

1 APPEARANCES: (CONT'D)

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6 Appearing on behalf of the People of
7 the State of Illinois;
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21 SULLIVAN REPORTING COMPANY, by
22 Tracy Overocker, CSR
Barbara Perkovich, CSR

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
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1 JUDGE DOLAN: By the direction and authority of
2 the Illinois Commerce Commission, I call Docket
3 No. 11-0588, Commonwealth Edison's petition to
4 determine the applicability of Section 16-125(e),
5 liability to the events caused by the summer 2011
6 storms.

7 Will the parties please identify
8 themselves record.

9 MR. RIPPIE: On behalf of the petitioner,
10 Commonwealth Edison Company, Glenn Rippie, John
11 Rooney, Carla Scarsella and Caitlin Shields, Rooney,
12 Rippie & Ratnaswamy, LLP, 350 West Hubbard, Suite
13 600, Chicago 60654, (312) 447-2800.

14 Also appearing on behalf of
15 Commonwealth Edison is Jane Park, 440 South LaSalle,
16 33rd Floor, Chicago 606 -- we'll provide you the ZIP
17 code.

18 MS. LUCKEY: On behalf of the Staff of the
19 Illinois Commerce Commission, Matthew Harvey, John
20 Sagone and Nicole Luckey, 160 North LaSalle Street,
21 Suite C-800, Chicago Illinois 60601.

22 MS. SATTER: Appearing on behalf of the People

1 of the State of Illinois Susan L. Satter and Cathy
2 Yu, 100 West Randolph street, Chicago, Illinois
3 60601.

4 JUDGE DOLAN: All right. Let the record
5 reflect that there are no other appearances at this
6 point.

7 Before we proceed with Mr. Rockrohr
8 any further, are you going to ask any questions about
9 the winter storm? Do we need to go on the record for
10 that?

11 MS. SATTER: Yeah, I think we should.

12 JUDGE DOLAN: How about you, Mr. Rippie?

13 MR. RIPPIE: I do, just a couple.

14 JUDGE DOLAN: Okay. We're going to open that
15 docket then, too.

16 (Whereupon, testimony in

17 Docket 11-0662 occurred.)

18 JUDGE DOLAN: By the direction and authority of
19 the Illinois Commerce Commission, I call Docket
20 No. 11-0662, Commonwealth Edison Company, petition to
21 determine the applicability of Section 16-125(e)
22 liability to the events caused by the February 1st,

1 2011 storm systems to order.

2 Will the parties please identify
3 themselves for the record.

4 MR. RIPPPIE: On behalf of the petitioner,
5 Commonwealth Edison Company, Glenn Rippie, John
6 Rooney, Carla Scarsella and Caitlin Shields of
7 Rooney, Rippie & Ratnaswamy, LLP, 350 West Hubbard,
8 Suite 600, Chicago, Illinois 60654, (312) 447-2800.

9 Also appearing on behalf of the
10 petitioner is Jane Park, 440 South LaSalle, 33rd
11 Floor, Chicago, Illinois 60605.

12 MS. CARDONI: Appearing on behalf of the Staff
13 witnesses for the Illinois Commerce Commission,
14 Jessica Cardoni and Matthew Harvey, 160 North
15 LaSalle, Suite C-800, Chicago, Illinois 60601.

16 MS. SATTER: And appearing on behalf of the
17 People of the State of Illinois, Susan L. Satter and
18 Cathy Yu, 100 West Randolph Street, Chicago, Illinois
19 60601.

20 JUDGE DOLAN: All right. Let the record
21 reflect there are no additional appearances.

22

1 (Whereupon, testimony in.
2 Docket 11-0588 occurred.)
3 JUDGE DOLAN: Okay. Good morning,
4 Mr. Rockrohr. How are you?
5 THE WITNESS: Good morning. Fine.
6 JUDGE DOLAN: Just to remind you that you are
7 still under oath and I guess we're ready to continue.
8 MS. SATTER: Okay. Thank you.
9 CONTINUED CROSS-EXAMINATION
10 OF GREG ROCKROHR
11 BY
12 MS. SATTER:
13 Q Good morning, Mr. Rockrohr.
14 A Good morning.
15 Q In your rebuttal testimony, you expand your
16 recommendation for waivers to include broken tree
17 limbs and wind gusts that exceed 60 miles an hour; is
18 that right?
19 A Broken tree limbs in locations where wind
20 gusts exceeded 60 miles an hour.
21 Q And do you assume that tree trimming and
22 vegetation management at the time of the storm were

1 up to date?

2 A I did not make assumptions about the tree
3 trimming.

4 Q One way or the other?

5 A Right. My conclusion was based on the fact
6 that regardless of the condition of the tree trimming
7 in locations where wind gusts exceeded 60 miles an
8 hour, the outages would have been unpreventable.

9 Q So you aren't really -- strike that. Let's
10 start again.

11 Do you agree that if deed trees were
12 left standing within the clear zone, that broken tree
13 limbs would create more damage than otherwise by
14 being too close to the system?

15 MR. RIPPIE: May I hear the question back,
16 please.

17 (Record read as requested.)

18 MR. RIPPIE: I object to the question as to
19 form. "Clear zone" is not defined and I also object
20 because it calls for speculation. Mr. Rockrohr has
21 not been -- there's been no foundation laid that
22 Mr. Rockrohr is an appropriate witness to opine on

1 the difference between the properties of dead and
2 live trees.

3 MS. SATTER: Your Honor, Mr. Rockrohr is not a
4 Commonwealth Edison witness and Mr. Rippie's
5 objections seem inappropriate because Mr. Rockrohr's
6 represented by counsel.

7 MS. LUCKEY: If I could also agree with the
8 objection. We haven't defined what a "clear zone"
9 is. I don't think any of us are clear on that, so if
10 you could make that clarification to the question.

11 MS. SATTER: Understood.

12 JUDGE DOLAN: Why don't you rephrase the
13 question, please.

14 BY MS. SATTER:

15 Q Do you understand that a utility ordinarily
16 tries to create a clear area around its conductors
17 that is clear of trees?

18 A Yes.

19 Q And -- so would you agree that if dead
20 trees were left standing within the area that's
21 ordinarily cleared of trees around conductors, that
22 broken tree limbs would create more damage than

1 otherwise by being too close to the system?

2 MR. RIPPPIE: I renew both my objections. And
3 by the way, the objection to form is a vagueness
4 objection, which I believe belongs to any party who
5 is going to be subject to the record and the same is
6 certainly true of the qualification objection. I do
7 not lose the ability to object to opinion testimony
8 that foundation has not been laid for just because
9 it's not my witness.

10 JUDGE DOLAN: Do you want to try and rephrase
11 your question again?

12 MS. SATTER: What was his objection?

13 MR. RIPPPIE: Well, there were two. We still
14 don't know what the clear zone you are referring to
15 is. We don't know even know whether there is one for
16 trees as opposed to limbs. My objection was, I don't
17 know that you and Mr. Rockrohr are talking about the
18 same size zone or even know what zone it is you are
19 talking about. Establishing that there is one didn't
20 establish what it was.

21 The second objection is you are asking
22 a question about the property of a dead tree versus a

1 live tree. He has been qualified as an expert in
2 electrical engineering, not in the properties of dead
3 and live trees.

4 MS. SATTER: I think that he's also talking
5 about whether tree damage is preventable. Now, maybe
6 he shouldn't be talking about that either because
7 he's not been qualified as an expert in trees. I
8 mean, you know, this case is about the effect of a
9 storm on an electrical system and -- that, you know,
10 control of vegetation is part of that. He is
11 recommending that there be a waiver for broken tree
12 limbs. I think I'm entitled to ask him questions
13 about the extent of his understanding of broken tree
14 limbs.

15 JUDGE DOLAN: Well, I think what Mr. Rippie is
16 indicating is that he wants a little more foundation.
17 So if you want to try to -- are you talking about a
18 specific clear zone or are you talking generally
19 about a clear zone or...

20 MS. SATTER: Well, I mean -- I asked him. He
21 said -- I didn't say clear zone, actually, in the
22 question. I said the area where the trees were

1 cleared -- are to be cleared around conductors, so I
2 didn't use the term "clear zone" in the second
3 question.

4 JUDGE DOLAN: Okay.

5 MS. SATTER: Instead I just used a more
6 descriptive phrase.

7 BY MS. SATTER:

8 Q So my question then is, do you agree that
9 if dead trees are within the area that's ordinarily
10 cleared around conductors of vegetation, would it --
11 would those dead trees present a greater damage -- a
12 greater risk to the system than if there were no dead
13 trees within the area ordinarily cleared around
14 conductors?

15 A Yes.

16 Q And do you agree that if vegetation had
17 grown onto primary conductors, there would be more
18 tree-related damage than would be the case if there
19 were no vegetation grown onto primary conductors?

20 MS. LUCKEY: I just want to quickly interject
21 to make sure this is a hypothetical that we're
22 talking about and nothing specific. Is there

1 something you could point to in Mr. Rockrohr's
2 testimony which would lead you to believe that that's
3 directly applicable to this case or is this just a
4 hypothetical?

5 MS. SATTER: Well, I could refer you to some
6 Commission reports that talk about vegetation growing
7 onto primary conductors.

8 JUDGE DOLAN: In 2011?

9 MS. SATTER: Excuse me?

10 JUDGE DOLAN: In 2011?

11 MS. SATTER: No, not in the 2011, but within
12 the 4 years within the trimming cycle because I think
13 there's testimony in this case particularly by ComEd
14 witnesses that tree trimming is on a 4-year cycle.
15 So there are pictures and there are reports within
16 that 4-year cycle. So I think within -- you know, so
17 that does put it within the period of time that could
18 affect -- that would affect the storms in this case.

19 MS. LUCKEY: I believe that those particular
20 pictures and reports are still the subject of an
21 outstanding object that has not yet been ruled upon,
22 so I am not positive that we can speak directly to

1 this docket. Again, if it were a hypothetical
2 question, we would have no objection.

3 MS. SATTER: What I would like to do is do a
4 hypothetical question and I would also like to make
5 an offer of proof by reference to the report for
6 which we have asked administrative notice and we will
7 do that formally in a motion, but in order to protect
8 the record, I'd like to be able to refer him to the
9 report so that -- to the extent that it's -- I'll do
10 the hypothetical understanding that it is an offer of
11 proof when I talk about the report and I could do the
12 hypothetical first and then do the offer of proof
13 next so that it's in a block rather than intersperse
14 it which I think will be confusing.

15 BY MS. SATTER:

16 Q So let me just ask you then
17 hypothetically --

18 MR. HARVEY: If I may --

19 JUDGE DOLAN: Hold on.

20 MR. HARVEY: Assuming for the sake of argument
21 that in the event that the report is ultimately not
22 admitted, this line of questioning will not -- will

1 be stricken if you find that acceptable.

2 MS. SATTER: To the extent that it's a
3 hypothetical --

4 JUDGE DOLAN: Well, the hypothetical would
5 be --

6 MR. HARVEY: The hypothetical is okay. If we
7 start getting into questioning about something -- the
8 facts that are specifically not in evidence and never
9 go into evidence, we can't allow that to remain of
10 record.

11 JUDGE DOLAN: That is correct.

12 MS. SATTER: So -- and I understand that, so
13 I'm going to phrase the questions and organize the
14 questions so that the record can accommodate.

15 BY MS. SATTER:

16 Q Mr. Rockrohr, hypothetically, if there were
17 vegetation that had grown onto primary conductors
18 prior to the 2011 storms that were not removed, would
19 you expect there to be more tree-related damage than
20 would otherwise be the case?

21 A Yes.

22 Q And, hypothetically, if there were tree

1 problems with a primary line all along a street so
2 that the primary disappeared into the trees and the
3 switches on the circuit would be difficult to reach
4 and operate because of trees, would you consider --
5 would you agree that there would be more tree-related
6 damage as result of the storms than would be the case
7 if these tree problems did not exist?

8 MR. RIPPIE: I'm sorry, did you ask "would" or
9 "could"?

10 MS. SATTER: Would.

11 MR. RIPPIE: I object. That calls for
12 speculation he can't even know whether that
13 particular hypothetical street experienced a wind
14 gust or even had interruption. If you go back to
15 phrasing it as you did the prior question.

16 MS. SATTER: You like "could" better?

17 MR. RIPPIE: Well, it's different. It doesn't
18 ask him to make assumptions about what occurred at
19 the hypothetical street.

20 MS. SATTER: We could make it "could."

21 BY MS. SATTER:

22 Q Do you remember the question?

1 A Yes. I think it would affect both amount
2 of -- level of damage and duration if the switches
3 were inaccessible.

4 Q And would it also affect the -- potentially
5 affect the level of damage if the primary all along
6 the street were covered with trees?

7 A It could.

8 Q Okay. Now, hypothetically, if there was
9 loose equipment such as insulator, switches,
10 lightening arresters, bolts for crossarms or other
11 equipment, if this equipment were loose, would you
12 agree that the system could suffer more damage from
13 wind than the equipment would suffer if it were
14 securely fastened?

15 A Yes.

16 Q And, hypothetically, if a primary insulator
17 mounting bracket where the bottom bolt had almost
18 completely worked out of the pole, would you agree
19 that adverse wind or weather conditions would be more
20 likely to result in an interruption than if the
21 insulator were securely fastened?

22 A Again, it could.

1 Q Did you consider or -- hypothetically, if
2 there were leaning poles, would you expect that to
3 have any effect on the extent of damage --

4 MR. RIPPIE: I object on the grounds of --

5 MS. SATTER: -- as a result of --

6 MR. RIPPIE: Sorry. I didn't mean to talk over
7 your question.

8 MS. SATTER: I just wanted to finish the
9 question.

10 MR. RIPPIE: Please do. I thought you were. I
11 was mistaken, so maybe for clarity.

12 (Record read as requested.)

13 MS. SATTER: On the effect of wind. Wind or...

14 MS. LUCKEY: Read it back.

15 (Record read as requested.)

16 JUDGE DOLAN: Just repeat it because Greg is
17 not hearing the court reporter any way.

18 BY MS. SATTER:

19 Q So the question was -- well, I'll rephrase
20 it.

21 JUDGE DOLAN: Okay.

22 BY MS. SATTER:

1 Q Would you agree that if there were leaning
2 poles -- electricity poles, distribution poles, that
3 that --

4 MS. LUCKEY: I'm sorry, is this hypothetically?

5 MS. SATTER: Yeah.

6 BY MS. SATTER:

7 Q -- that that could increase the amount of
8 damage resulting from wind?

9 MS. LUCKEY: Can we clarify, damage to what?

10 MS. SATTER: To the -- well, rather than
11 damage, cause more interruptions.

12 MR. RIPPPIE: I object to the question on the
13 grounds of vagueness. Is it a leaning pole half a
14 degree out of true or 30 degrees out of true or
15 something in between?

16 MS. SATTER: Well, I'd like to ask the witness.

17 BY MS. SATTER:

18 Q Have you -- would you consider -- have you
19 looked at any distribution poles and evaluated them
20 in terms of whether they're straight or leaning or
21 how -- you know, how secure?

22 MS. LUCKEY: I have to object. This has

1 already been asked and answered. Mr. Rockrohr stated
2 yesterday multiple times that he did not look at the
3 distribution system himself. He relied upon what the
4 ComEd witnesses stated in their testimony.

5 MS. SATTER: I'm asking specifically about
6 leaning poles. I don't remember asking about that
7 yesterday and I didn't ask whether he had gone out to
8 inspect. I understand he didn't go out to inspect;
9 is that correct?

10 MS. LUCKEY: I'm not certain how he would then
11 have examined the poles if he did not go out and
12 inspect them.

13 MS. SATTER: Okay. Let me go another way then.

14 BY MS. SATTER:

15 Q Mr. Rockrohr, are you responsible in your
16 duties at the ICC to evaluate the reliability of
17 electric utilities regulated by the Commission?

18 A Yes.

19 Q And as part of that responsibility, do you
20 evaluate the condition of the electric utilities --
21 the physical condition of the electric utilities
22 serving Illinois consumers that are regulated by the

1 Commission?

2 A Yes. Each engineer has responsibility to
3 evaluate specific utilities that operate in this
4 state.

5 Q And in that role, do you evaluate the
6 condition of poles in a distribution system?

7 A Yes.

8 Q Would you have definition for a pole that
9 would be considered leaning versus straight?

10 A Well, clearly a straight pole is to the
11 ground is and a leaning pole would be anything else.

12 The primary concern I have when
13 inspecting poles is what is mounted on the pole.
14 That affects whether the lean is significant or not.

15 Q So your concern is what is mounted on the
16 pole. Would that be the equipment on the pole?

17 A Yes. Specifically oil filled equipment is
18 heavy. It creates a greater moment when mounted on
19 top of the pole when there is a lean and if the
20 ground becomes saturated, there's potentially a
21 chance for increasing the lean.

22 Q Does a lean make the pole or the facilities

1 any more vulnerable to weather damage?

2 MR. RIPPIE: May I please hear the statement --

3 hear the question again, please.

4 (Record read as requested.)

5 MS. SATTER: The facilities on the pole.

6 MR. RIPPIE: By "lean," again you mean anything

7 other than absolute true.

8 MS. SATTER: I'm sorry, what did you say?

9 MR. RIPPIE: By "lean," you're adopting the

10 witness's definition of anything other than absolute

11 true perpendicular?

12 MS. SATTER: I'm using the witness's

13 definition.

14 MR. RIPPIE: Okay. Thank you.

15 THE WITNESS: I beg your pardon, I need you to

16 just throw the question at me again.

17 MS. SATTER: Would you mind reading the

18 question back to me and I will read it to the

19 witness.

20 (Record read as requested.)

21 BY MS. SATTER:

22 Q Does the lean make the pole or the

1 facilities on the pole any more vulnerable to weather
2 damage?

3 A Potentially, yes. The -- if the amount of
4 lean increases to the point where the oil filled
5 equipment either leaks the oil out due to the lean or
6 pulls the entire pole to the ground, then the damage
7 would be increased.

8 Q Oil filled equipment, would that be a
9 transformer?

10 A Yes.

11 Q Anything else?

12 A Oil filled reclosures would be another
13 example.

14 Q Okay. Hypothetically, if there were
15 disconnected crossarm braces or loose bolts
16 supporting a crossarm, would you expect the facility
17 to be more vulnerable to weather damage?

18 A Yes.

19 Q If a ground wire is missing or
20 disconnected, would you expect the facility to be
21 more vulnerable to damage by lightening or other
22 energy surges?

1 A It could, yes.

2 Q Are you aware of any Commission Staff
3 assessment of any ComEd facility done pursuant to
4 Section 16-125 that found that there was -- that
5 failure was imminent in any of the company
6 facilities?

7 MR. RIPPIE: I object to the question as being
8 irrelevant and beyond the scope of his testimony. It
9 is not limited by date, it is not limited by location
10 and it is not limited by any relationship to any of
11 the interruptions at issue in this docket.

12 MS. SATTER: I think this is a fundamental
13 question in this case. This case is about millions
14 of people being without electricity in June of 2011
15 and as the Staff witness has testified, as the
16 Company witnesses have testified, one of the
17 questions is whether the facilities were reasonably
18 and prudently designed, constructed and maintained.
19 So if, within the 4-year period of inspections,
20 facilities that were identified as being imminent --
21 in danger of imminent failure existed, I think it's
22 relevant to you.

1 Now, I didn't put anything -- I mean,
2 although this is cross-examination, this is an
3 open-ended question. I didn't tell him this is the
4 date, this is the year. It's up to him.

5 JUDGE DOLAN: But you said pursuant to Section
6 16-125 --

7 MS. SATTER: Yes.

8 JUDGE DOLAN: -- so I think that kind of limits
9 it -- limits the scope. I think that's --

10 MR. RIPPIE: 16-125 --

11 MS. SATTER: I'll be happy to limit it to the
12 4 years prior to the storms.

13 MR. RIPPIE: I still.

14 MS. LUCKEY: I would also object that I would
15 think it would have to be an engineering report
16 because Mr. Rockrohr cannot possibly be expected to
17 know every single report that's been filed at the
18 Commission in that time period on this issue.

19 MR. RIPPIE: We have a fundamental disagreement
20 about what this case is about and we apparently also
21 have a fundamental disagreement about how many people
22 were out of service, but putting that issue aside,

1 this case is not about whether there is one pole
2 somewhere that leans. It's about whether the
3 interruptions that resulted from 4 -- I'm sorry, from
4 six or -- a seventh in the other docket -- storms
5 were preventable and specific equipment failed for
6 specific reasons that is in evidence. Asking about
7 things that happened 4 years earlier because it's in
8 the same tree trimming cycle has no relevance, no
9 demonstrated relevance to any of the interruptions in
10 this docket. We don't even know if it's on the same
11 circuit as the interruption at issue in this docket
12 occurred nor, by the way, do we know that the fact
13 that out of a million and a half poles in ComEd's
14 system there is one that's leaning has any probative
15 value whatsoever as to the causation of any of the
16 events that are at issue here. I renew my objection
17 to a question that -- let me say it a different way.

18 I renew my objection to turning this
19 docket into a general inquiry into is there anything
20 on ComEd's system in the last 4 years that someone
21 can criticize.

22 MS. SATTER: I would like my question answered.

1 I will amend it to say, any Commission engineering
2 Staff assessment and I'll also amend it to be within
3 the last 4 years -- the 4 years preceding this storm.
4 But I think the condition of the system is plainly
5 relevant and to suggest that we can't look at their
6 facilities because we might look at it one by one and
7 that's not fair to the Company, that's not fair to
8 the public because the public wants an evaluation.
9 That's why 16-125 said, Commission, do an assessment.
10 That's what the statute says. So that's -- I think
11 I'm perfectly within my right and it's within the
12 scope of this docket to ask about these questions.
13 We're creating a record. As far as linking
14 particular circuits to different things, you know, we
15 have briefs to do that.

16 MR. RIPPIE: That argument would be usable in
17 any case where anyone would like to try and interject
18 irrelevant and prejudicial material into a record.
19 This docket is not about an assessment of ComEd's
20 system 4 years ago. It's not about an assessment of
21 things that did not in any way relate to
22 interruptions resulting from the sixth or the seventh

1 storm at issue. This is not had a 16-125(a)
2 proceeding. This is not a generic inquiry into the
3 system, nor is there any validity to the assumption
4 because there's a leaning pole somewhere that that
5 somehow indicates that the equipment that was
6 involved in this case was likely to have failed for
7 any reason other than what the evidence in the record
8 already shows it failed due to.

9 You know, it is a cornerstone of
10 fairness that in a docket like this when we are
11 potentially being charged with conduct that could
12 result in millions of dollars of damages, that we
13 ought to focus on the events that relate to those
14 damages, not try to indict us for isolated pieces
15 of equipment 4 years ago that had nothing to do with
16 the storms.

17 I'm not objecting to a question about
18 evaluations of the system as a whole. The question
19 was, was there anything in any Staff report in the
20 last 4 years that suggested a piece of equipment on
21 ComEd's system was in imminent risk of failure, I
22 hope I got the words right, and that is simply not a

1 piece of information that is relevant to this storm
2 case or the other storm case.

3 JUDGE DOLAN: And I have to agree that I think
4 you've got to keep it more around the time of the
5 incident because for one, I was the ALJ in 10-0467
6 and the vegetation management program was changed,
7 they upped their work. So I know from judicial
8 notice I can take because I was part of that docket.

9 MS. SATTER: So what you're saying here is that
10 you have some expertise as a Commission ALJ? As a
11 member of this Commission, you have the expertise for
12 this Company, which is really what I think the
13 statute and the legislature expect, that as a
14 representative of the Commerce Commission, you have
15 this store case of knowledge and you are bringing it
16 from 10-0467 and what I'm suggesting to you is that
17 rather than rely solely on your personal experience
18 in cases, that you recognize that the Commission, as
19 a whole, has responsibilities and has a storehouse of
20 information that can be presented and that is why
21 we've asked for administrative notice of the June
22 4th report.

1 JUDGE DOLAN: And as I said, if the report --
2 the report is talking about the 2007 season or 2008,
3 that report you are talking about, that you were
4 dealing with yesterday.

5 MS. SATTER: Well, actually, there's an
6 appendix to the report that has 2009 field
7 inspections.

8 JUDGE DOLAN: Okay. Well, still, you are still
9 talking 2 years prior to the accident -- I mean, to
10 the storms that we're talking about and we don't know
11 what changed in those 2 years. So it is more
12 prejudicial to the Company than is probative for you,
13 let me put it that way.

14 MS. SATTER: Okay. I do want to make an offer
15 of proof and I am asking for administrative notice of
16 the Staff report to the Commission dated June 4th and
17 the two attachments to that report being the Illinois
18 Commerce Commission assessment of the Commonwealth
19 Edison Company Reliability Report and Reliability
20 Performance for Calendar Year 2008 as well as the
21 Appendix 2009 Field Inspection Summaries and --

22 MR. RIPPKE: Just so the record is clear, we

1 have both procedural and substantive objections to
2 that. The procedural objection having to do with the
3 lack of notice and opportunity to respond and the
4 substantive objection being what your Honor has ruled
5 on, in part, having to do with the relevance and
6 materiality of the comments.

7 JUDGE DOLAN: Does Staff have any comments on
8 this?

9 MS. LUCKEY: I mean, I think it's Staff opinion
10 that this probably is not appropriate for inclusion
11 into the evidentiary record. This wasn't a report
12 that Greg included as an attachment to his testimony.
13 Although he did reference testimony from a separate
14 docket, he didn't specifically reference this report.

15 MS. SATTER: I would -- you know, I would like
16 the opportunity to file a motion on this and, you
17 know, that's what I do given that there are
18 objections.

19 JUDGE DOLAN: All right. File your motion and
20 then I will take your request under advisement. How
21 is that?

22 MS. SATTER: And I would like to renew my

1 question to offer AG Cross Exhibit 3 being the
2 specific testimony referred to by Mr. Rockrohr in his
3 testimony in this docket and -- that would be his
4 direct testimony in ICC Docket No. 11-0289, which has
5 attached to it four photographs from June of 2011
6 which is within the period that these storms took
7 place.

8 MR. RIPPIE: And since we're renewing things,
9 to be clear, the objection is that is supplement- --
10 the procedural objection is that it is supplemental
11 direct testimony, it is not in compliance with the
12 Commission's schedule. Mr. Rockrohr did not include
13 that in his direct testimony, even though he could
14 have. We have been given no notice of it or an
15 opportunity to respond to it in the course of filing
16 testimony. It is not impeachment, as was pointed out
17 yesterday, nor can it be offered as an admission
18 against the Company because it's not the Company's
19 statements.

20 As to the pictures, the pictures are
21 pictures. I mean, if you -- I'm not -- you could ask
22 any witness you care to about the pictures, provided

1 a foundation was laid. My issue with this is the
2 supplementation of testimony with something from
3 another docket. As you know, you can cross-exam
4 someone with a carrot if you lay the proper
5 foundation for it.

6 So -- same objection I had yesterday.

7 MS. SATTER: Again, this is not Mr. Rippie's
8 witness and I don't control what this witness puts --
9 offers his direct, that's why there's
10 cross-examination and so I would like to request
11 that -- given the time period involved in this
12 testimony, the fact that it's expressly referred to
13 in the testimony in this case, that you take it into
14 the record as a cross exhibit.

15 In addition, we would like to include
16 in the cross exhibit Mr. Rockrohr's affidavit
17 verifying testimony.

18 MR. RIPPIE: And the same -- the fact that it's
19 not my witness, once again, is not relevant.
20 There's -- I am not -- and somehow lose my right to
21 object to improper and prejudicial evidence being
22 admitted without an opportunity to respond because

1 it's done through someone else's witness and not only
2 did Mr. Rockrohr attach it, but neither did Mr. Owens
3 or, for that matter, any other AG witness. This
4 could have been sponsored and attached in a proper
5 manner at any time and then there could have been
6 discovery conducted on it and the Company could have
7 responded to it.

8 MS. SATTER: I'm entitled to conduct
9 cross-examination.

10 JUDGE DOLAN: You are.

11 MS. SATTER: If the Company doesn't like it,
12 I'm sorry. They had the same information that I had.
13 I am not -- I don't think I'm even -- it's
14 appropriate for a third party to offer somebody
15 else's testimony. He's here. Why we would do that?

16 JUDGE DOLAN: Okay. I'm rejecting that exhibit
17 in. So if you want to take an interlocutory appeal,
18 then you can, but I don't feel it's appropriate for
19 this docket.

20 BY MS. SATTER:

21 Q Mr. Rockrohr, do you know what NESC 279 is?

22 A The National Electrical Safety Code, yes.

1 Q Do you know what 279 is with that
2 particular --

3 A No. Off the top of my head, I don't know
4 what Rule 279 is.

5 Q Do you know it deals with use of guy
6 insulators?

7 MS. LUCKEY: I have to object. I think it's
8 been asked and answered. Mr. Rockrohr just stated
9 that he was not familiar with the rule, so obviously
10 he doesn't know what it concerns.

11 JUDGE DOLAN: If you can try to clarify.

12 MS. SATTER: Well, that's what I just tried to
13 do.

14 BY MS. SATTER:

15 Q Are you familiar with the National Electric
16 Safety Code in general?

17 A Yes, the National Electric Code -- Safety
18 Code, yes.

19 Q And do you use that in your role as an
20 engineer at the Commission?

21 A Yes.

22 Q And are you familiar with the rules in that

1 code?

2 A Many of them.

3 Q And they have numbers, don't they?

4 A Yes.

5 Q And do you necessarily remember the number

6 with the rule itself?

7 A No, I don't.

8 Q So if I were to ask you whether you know of

9 a rule regarding the use of guy insulators, can you

10 recall whether there is a rule concerning the use of

11 guy insulators?

12 A Yes, there is a rule regarding either the

13 grounding or insulating of guy -- down guys.

14 Q And a guy -- why don't you tell us what a

15 guy insulator is and define those terms for us.

16 MS. LUCKEY: Actually, I think I have to

17 object. I don't know that Mr. Rockrohr talked about

18 guy insulators anywhere in his testimony unless you

19 can point us to something that makes this relevant.

20 MS. SATTER: It's relevant to the condition of

21 the system which is what he does testify to and I'm

22 just -- this is -- you want me to do a

1 foundational -- you want me to do foundational
2 questions, then I'm going to do foundational
3 questions but --

4 JUDGE DOLAN: I'm going to overrule it and give
5 you an opportunity to keep moving. Okay?

6 BY MS. SATTER:

7 Q Just define the terms. That's all I'm
8 asking you to do.

9 A Well, to define what a guy insulator is,
10 first I'd like to describe what a down guy function
11 is and that would be to offset any lateral forces
12 that are on distribution poles caused by the
13 conductors. So if a conductor tends to pull the pole
14 over in one direction, the down guy would offset that
15 so that the pole can remain vertical.

16 If the down guy is attached to the
17 pole near the primary level and extends down to the
18 ground to support the pole, there is physically a
19 possibility for that ground wire to come in contact
20 with energized conductor if there is some break or
21 problem with the distribution system. So the -- NESC
22 or National Electrical Safety Code requires that an

1 insulator be placed in that wire that extends from
2 the top of the pole to the ground, the down guy, in
3 order to protect the public -- anyone in general from
4 being injured should the down guy inadvertently
5 become energized.

6 In lieu of installing a down guy, it's
7 also permissible to install a ground attachment to
8 that down guy so that instead of insulating the down
9 guy, the circuit is shorted to ground and interrupted
10 and service would become interrupted; but, still, the
11 public is kept safe.

12 Q And the National Electric Safety Code has
13 rules for that; is that right?

14 A Yes. The positioning of the insulator, for
15 example, needs to be at a certain level so that
16 people couldn't reach it -- reach above it.

17 Q Hypothetically, if there were compliance
18 issues with the NESC code relating to guy wires,
19 would you expect -- could that increase the amount of
20 damage suffered to the facilities as a result of the
21 summer storms?

22 MS. LUCKEY: I have to object. I think we need

1 to be clear on what you mean by "issues." There were
2 compliance issues. It's vague.

3 MS. SATTER: I'm just asking. You know, if he
4 knows, fine. If he doesn't know what compliance
5 issues are relative to --

6 MS. LUCKEY: Can we just define "compliance
7 issues"?

8 MS. SATTER: Well, he just described what the
9 rule addresses. So --

10 MS. LUCKEY: So "compliance issues" as it
11 relates to that rule specifically?

12 MS. SATTER: Yes. As it relates to the guy
13 rule that he described.

14 MR. RIPPIE: I have a slightly different
15 objection. The witness just described in detail what
16 the function of that rule is and the function of rule
17 that rule is important, it's a public safety
18 protection rule but he didn't describe it as anything
19 to do with structure and the question of public
20 safety, while an important question, is not question
21 in this docket, at least not in the context of people
22 getting shocks from guy wires. We're talking about

1 storm damage to identify pieces of equipment in
2 circuits that caused interruptions.

3 MS. SATTER: The witness can answer. If that's
4 the answer, that's the answer. I didn't ask
5 Mr. Rippie the question.

6 MR. RIPPIE: Well, it --

7 MS. SATTER: If the witness says it has a storm
8 effect or it doesn't have a storm affect or it has an
9 outage affect or it doesn't have an outage affect. I
10 mean, I --

11 JUDGE DOLAN: It's a hypothetical question;
12 right?

13 MS. SATTER: It's a hypothetical question. I'm
14 having problems with Mr. Rippie answering the
15 question --

16 JUDGE DOLAN: All right. Just -- we need to
17 move on. Okay.

18 So just go ahead and answer the
19 question, please, if you can.

20 THE WITNESS: The issue that I discussed
21 regarding guy wires would typically not directly
22 relate to whether outages would occur or not. It

1 would more affect the safety of an installation. So
2 the only exception would be, as I described, if the
3 utility elected to use a bond to ground in lieu of an
4 insulator, it's possible that customers would be
5 affected due to an outage when the contact with the
6 primary occurred.

7 BY MS. SATTER:

8 Q So the real issue with this is safety of
9 those working around the poles -- around the poles?

10 A Yes. That specific rule is mostly related
11 to safety.

12 Q Okay. Now, in your rebuttal testimony, you
13 referred -- let me refer you to Page 9, Line 179 to
14 186.

15 A I'm sorry, which testimony?

16 Q Rebuttal.

17 A Okay.

18 Q And that's revised. And there you refer to
19 ComEd witness Craig Chesley's statement about the
20 public having little or no tolerance for removing
21 overhang and the Company -- the public resisting the
22 Company's tree trimming efforts.

1 A I'm still looking for the cite. I beg your
2 pardon. Could you give me the line number again?

3 Q It starts at Line 176 and then you have a
4 quote from Mr. Chesley that goes through 186.

5 A I see it.

6 Q And in your testimony you say -- at 187, In
7 the event ComEd is able to demonstrate that it was
8 unable to engage in tree trimming prior to the
9 July 11 storm event due to the failure or refusal of
10 property owners and municipal officials to afford it
11 necessary access, et cetera. I am prepared to
12 consider that factor in coming to a conclusion
13 regarding liability. That's through Line 194.

14 So my question to you is, has ComEd
15 demonstrated to you that it was unable to engage in
16 tree trimming prior to the July 11th storm event due
17 to the failure or refusal of property owners to
18 afford it the necessary access to manage vegetation?

19 A No, I have not seen such a demonstration.

20 Q Okay. And have you seen a demonstration
21 that the Company was unable to engage in vegetation
22 management prior to the July 11th storm event due to

1 the failure or refusal of municipal officials to
2 afford it the necessary access to manage vegetation?

3 A No, I have not.

4 Q Did you look for this information, that is
5 is property owners or municipal officials preventing
6 vegetation management for any of the other storms?

7 A No.

8 Q So you are not basing your view of the
9 ComEd waiver on the notion that the public or
10 municipal officials have prevented the Company from
11 doing effective vegetation management; is that
12 correct?

13 A Correct.

14 Q On Page 10 of your -- I believe it's still
15 your rebuttal testimony. It might be your direct.
16 Hold on just a minute. You say that ComEd Witness
17 Maletich showed that ComEd's restoration efforts with
18 respect to each storm were reasonable?

19 MS. LUCKEY: I'm sorry, where are we?

20 MR. RIPPKE: There is no Page 11.

21 MS. LUCKEY: Of redirect.

22 MR. HARVEY: Is it possible that you are now

1 working off of a revised version of Mr. Rockrohr's
2 testimony?

3 MS. SATTER: Maybe. I might have based it
4 on...

5 BY MS. SATTER:

6 Q Let me just ask you the question then. Do
7 you believe that ComEd Witness Maletich showed that
8 ComEd's restoration efforts with respect to each
9 storm more reasonable?

10 A Yes.

11 Q You said "yes"?

12 A I said "yes."

13 Q Can you describe those efforts?

14 A The ComEd efforts are described by
15 Miss Maletich's testimony as reaching out to other
16 utilities using contractors working, double shifts
17 and expanding the workforce considerably during each
18 storm.

19 In addition, they set up emergency
20 operation centers in order to coordinate the
21 restoration efforts.

22 Q Did you review the customer service

1 interface? In other words, the ability to handle
2 from the public?

3 A I did not. I did not review the call wait
4 times or anything like that.

5 (Whereupon, testimony in
6 Docket 11-0662 occurred.)

7 BY MS. SATTER:

8 Q Now, in Docket 11-0662, you also filed
9 testimony; is that correct?

10 A Yes.

11 Q And in that docket, you recommend that the
12 company should receive a waiver of liability; is that
13 right?

14 A Yes.

15 Q Okay. And did you do any field
16 investigation or inspection in connection with your
17 recommendation in that case?

18 A No.

19 Q And did you review any reports that you had
20 presented to the Commission about ComEd's performance
21 prior to February 2011 in preparing your testimony in
22 that case?

1 A Did I review any reports? I couldn't quite
2 understand what you said.

3 Q Okay. Did you review any reports -- any
4 Staff -- let me rephrase that.

5 Did you review any Staff engineering
6 reports about ComEd's reliability prior to preparing
7 your testimony in 11-0662?

8 A Well, I reviewed the 2010 report prior to
9 reviewing -- prior to my preparation on 11-0588,
10 which happened to be before 11-0662 just
11 sequentially. So in that respect, yes. Did I review
12 it specifically for 11-0662? No, I did not.

13 Q You said you reviewed which years' report?
14 I'm sorry, I didn't quite hear you.

15 A The most recent ComEd Reliability
16 Assessment Report.

17 Q Would that have been the Part 411
18 Reliability Report?

19 A That's correct.

20 Q And that's the report that's posted on the
21 Commission's Web site?

22 A That's correct.

1 Q And that's the report that's submitted
2 pursuant to Section 16-125?

3 A 16-125, yes.

4 Q So you're saying that you reviewed that
5 ComEd report in connection with your testimony in
6 11-0588?

7 A Yes.

8 Q As well and that it also informed you in
9 connection with the 11-0662?

10 MS. CARDONI: Judge, I'm going to object
11 because the witness just said that he didn't review
12 it in conjunction with 06 --

13 MS. SATTER: I'm just trying to figure that
14 out.

15 BY MS. SATTER:

16 Q If you could just explain. Did you say
17 that you reviewed it in connection with 0588?

18 A What I was trying to clarify was -- your
19 question was, Did I review it before I wrote my
20 testimony in 11-0662 and just the way the timing of
21 the dockets worked out, my testimony in 11-0662 was
22 prepared after my testimony in 11-0588, my direct.

1 Therefore, technically, yes, it was -- I did look at
2 it prior to preparing my testimony in 11-0662, but I
3 didn't use it in preparation of my testimony in
4 11-0662. I hope that's more clear.

5 JUDGE DOLAN: Sue just -- do you have -- how
6 many more questions do you have?

7 MS. SATTER: Well, I mean, I guess it's
8 10:00 o'clock.

9 JUDGE DOLAN: Yeah, I was going to say. Liz is
10 probably going to...

11 MS. SATTER: Maybe we can take a break now and
12 then, you know, just finish up with up when we come
13 back.

14 JUDGE DOLAN: All right. Then we will be
15 entered and continued until after the bench session
16 then.

17 (Break taken.)

18 JUDGE DOLAN: All right. Go ahead.

19 MS. SATTER: Are we back on the record?

20 JUDGE DOLAN: We're back on the record, yes.

21 MS. SATTER: I have no further questions.

22 JUDGE DOLAN: Oh, okay.

1 MR. RIPPIE: Okay.

2 JUDGE DOLAN: And, Mr. Rippie, you are still
3 estimating approximately 1.15 hours?

4 MR. RIPPIE: I hope it's going to be less than
5 that and I think it will be, but if you please bear
6 with me for just a moment while I get all these
7 documents up.

8 MR. HARVEY: I think one request that we make
9 that it be made clear when we're talking about Docket
10 No. 11-0588 and 11-0622 or both, as the case may be.

11 JUDGE DOLAN: I think we've been trying to do
12 that.

13 We'll go off the record until he's
14 ready to go.

15 (Discussion off the record.)

16

17

18 CROSS-EXAMINATION

19 BY

20 MR. RIPPIE:

21 Q Good morning, Mr. Rockrohr. How are you?

22 A Good. Thank you. Good morning.

1 Q My name is Glenn Rippie. I am counsel for
2 Commonwealth Edison and I have a few questions for
3 you this morning and probably briefly this afternoon.
4 Could I refer you please to your
5 rebuttal testimony in Docket 11-0588, that would be
6 the summer storm docket, Page 1, Lines 11 through 15
7 and tell me when you're there, please.
8 A Line 11 through 15?
9 Q Yes, sir.
10 A Okay.
11 Q Now, as I understand your process of
12 analysis, you examined the various interruptions that
13 were caused in this case by lightening and uprooted
14 trees based upon the data that was available to you
15 concerning the interruptions attributable to those
16 causes; is that correct?
17 A Yes.
18 Q And if we were to look at Exhibits A
19 through F to Commonwealth Edison Company's
20 petitions -- petition in this docket, those would be
21 the large tables, do you have that -- I'm not really
22 going to can you too many questions about them, but

1 do you happen to have them in front of you?

2 A No, I don't have the entire tables in front
3 of me. I'm familiar with the tables.

4 Q Are those the data tables that would
5 indicate each of the respective interruptions as well
6 as the cause codes which ComEd attributed to them?

7 A Yes. That was the data set that I used in
8 forming my recommendations.

9 Q So when you refer to interruptions caused
10 by lightening and uprooted trees at Lines 13 to 14,
11 you're referring to those interruptions that are
12 identified on Exhibits A through F of the petition
13 that are cause coded as related to lightening and
14 uprooted trees; is that correct?

15 A Yes.

16 Q Now, as a result of your recommendation
17 that a waiver be granted with respect to those
18 interruptions, did you ask yourself the question of
19 whether the remaining number of customers who
20 experienced a simultaneous interruption -- I'm sorry,
21 a simultaneous and continuous interruption of service
22 for 4 hours or more was greater than or less than

1 30,000?

2 A Yes. The analysis would only result in an
3 output with interruptions that included customers who
4 experienced an interruption for greater than 4 hours.
5 I think that's what you asked me.

6 Q Yes. And as a result of that analysis, you
7 reached a recommendation that Commonwealth Edison
8 Company should receive a waiver for three -- well,
9 complete liability for three of the six storm events
10 and the damage that they caused that were raised in
11 this docket; is that correct?

12 A At the rebuttal stage, my recommendation
13 was for five of the six.

14 Q Right. I promise that's where I'm going
15 next. I'm just walking through the steps.

16 That was at your direct; right?

17 A That's correct.

18 Q And in reaching that conclusion, you didn't
19 artificially exclude from your consideration any
20 knowledge that you have that you felt directly bared
21 on the cause of any of those interruptions, did you?

22 A I didn't artificially exclude anything.

1 Q Now -- could you now please turn to Page 2,
2 Lines 38 through 44 of your rebuttal testimony.

3 MR. HARVEY: Rebuttal testimony, Counsel?

4 MR. RIPPPIE: Yes. Page 2, Lines 38 through 44.
5 And, again, we're in Docket 11-0588.

6 THE WITNESS: Okay.

7 BY MR. RIPPPIE:

8 Q And if I'm correct, that testimony refers
9 to the additional information that you were provided
10 by the Company in its testimony subsequent to your
11 direct that you also analyzed; right?

12 A That would have been from Mr. Piazza.

13 Q Right.

14 A Yes.

15 Q And you performed the same type of analysis
16 now considering that additional information that
17 Mr. Piazza provided about weather conditions
18 prevailing during those storm events; is that
19 correct?

20 A Specifically wind, yes.

21 Q Okay. But you still looked at the
22 individual interruptions occurring on Exhibits A

1 through F and categorized them by cause code and then
2 considered the new evidence in light of those
3 particular cause codes?

4 A That's correct.

5 Q And as a result of that analysis, am I
6 correct that you found that in your review,
7 Commonwealth Edison should be entitled to a complete
8 waiver with respect to five of the six storm systems
9 and the damage and interruptions that they caused
10 that were raised in Docket 11-0588?

11 A Well, not a complete waiver. I found that
12 fewer than 30,000 customers should remain after the
13 waiver that I recommended.

14 Q Now, let's then take a step back and maybe
15 do something out of order to be clear. You've read
16 16-125 and, in particular, section 125(e) of the
17 Public Utilities Act; right?

18 A Yes. That's correct.

19 Q Okay. And I'm not going to ask you for
20 legal interpretations, but would it be fair to say
21 that your understanding is it's sort of a two-part
22 statute; that is, one question is, is the statute

1 invoked with respect to an interruption and the
2 second question would be, is there a waiver
3 applicable in the event that it's invoked?

4 MR. HARVEY: With the understanding that he's
5 not answering as a lawyer.

6 BY MR. RIPPIE:

7 Q Is that sort of the way you looked at your
8 task?

9 MR. RIPPIE: Is that a better way of saying it?

10 MR. HARVEY: Fair enough.

11 THE WITNESS: Yes.

12 BY MR. RIPPIE:

13 Q Okay. So when I say "complete waiver,"
14 what I mean is, with respect to five of the six storm
15 systems, you concluded that the remaining number of
16 customers affected by interruptions that you could
17 not conclude were due to unpreventable weather damage
18 fell below the 30,000 aggregate cap applicable to
19 interruptions of longer than 4 hours in duration as
20 you construed the statute?

21 A Correct.

22 Q Now -- and once again, you didn't exclude

1 any relevant information that you felt you had
2 reaching that determination; is that correct?

3 A Yes.

4 Q Have you had an opportunity to review the
5 surrebuttal testimony filed by ComEd in
6 Docket 11-0588?

7 A Yes.

8 Q Has that testimony altered your conclusions
9 in any way, either with respect to what storm systems
10 and associated interruptions ComEd would be entitled,
11 in your opinion, to a complete waiver or to the
12 extent of the number of customers for whom the
13 interruptions were, in your opinion, not demonstrated
14 to be unpreventable?

15 MR. HARVEY: Just to be clear, Counsel, could
16 you ask that as two questions?

17 MR. RIPPIE: Sure. I'll also try to shorten
18 it.

19 BY MR. RIPPIE:

20 Q Did the surrebuttal testimony change in
21 your opinion in any way?

22 A Yes. Mr. Piazza provided a number of -- I

1 think there were approximately 47 additional outage
2 ID numbers that were geographically located where
3 wind speeds exceed the 60 miles an hour. That
4 affected the numbers, if you will, of customers not
5 covered by the waiver that I recommend.

6 Q How did it affect that number?

7 A It reduced the number. Prior to the
8 surrebuttal testimony, the number was 84,000 and
9 something. And after I plugged in the new outages
10 that Mr. Piazza identified, the number became 51,767.

11 MS. SATTER: Was that 51,767? Or 57?

12 THE WITNESS: 51,767.

13 MS. SATTER: Thank you.

14 MR. RIPPPIE: Can I just hear the first number
15 back, please.

16 THE WITNESS: 51,767.

17 BY MR. RIPPPIE:

18 Q I'm sorry, the 80,000 odd number.

19 A Oh, let me find where that was in the --

20 Q Well, actually.

21 A -- rebuttal testimony.

22 Q Can I ask you to go then to Page 6,

1 Line 119 in the table that follows.

2 A 82,449.

3 Q Okay.

4 A I beg your pardon.

5 Q So is the reduction -- and I apologize for

6 the math -- 32,500 and some?

7 A Well, it would be whatever 82,449 minus

8 51,767 is.

9 Q Okay.

10 A To be clear, the analysis I performed looks

11 at each interval where customers were interrupted

12 during a storm, so these figures that we're talking

13 about right now are the maximum number of customers

14 at any interval that would not be covered by a

15 waiver. It does not mean that during the entire

16 storm that many customers are not covered by a

17 waiver.

18 Q I understand. It could be a lesser number?

19 A Yes.

20 Q And in the case of the five storms where

21 the number is under 30,000, it will always be a

22 number under 30,000?

1 A Exactly.

2 Q I'm going to show you an exhibit which is
3 in your exhibit file as Exhibit No. 9, I believe.

4 MS. SATTER: Can you specify what you mean by
5 "exhibit file"?

6 MR. RIPPIE: Sorry.

7 MS. SATTER: Exhibit file, you mean an exhibit
8 to his testimony?

9 MR. RIPPIE: No. No. In accordance with the
10 arrangements for dealing with the video. A package
11 of potential cross-examination exists in Springfield
12 from which exhibits are being pulled and this is my
13 way of telling our assistant down there which
14 particular one to pull, which I am about to tender to
15 you.

16 MS. SATTER: So when you say "exhibit file
17 number," you are referring to the code?

18 MR. RIPPIE: This would be ComEd Cross
19 Exhibit 1, I believe.

20 (Whereupon, ComEd Cross
21 Exhibit No. 1 (Rockrohr) was
22 marked for identification.)

1 BY MR. RIPPIE:

2 Q Mr. Rockrohr, I'm going to ask you to bear
3 with me here. That is a -- you should what's in
4 front of you a waterfall chart showing five -- make
5 that six bars, am I correct?

6 A Yes. On the top -- what would be the top
7 overlay.

8 Q Actually, you should have the one that
9 doesn't have an overlay, it should be just the blown
10 up piece. It should be No. 9 as opposed to No. 10.
11 Maybe I get -- maybe you were given the wrong one or
12 I misnumbered it. It should just be a box showing...

13 MR. RIPPIE: Tracy or Amy, if you could grab
14 the other one, it's probably that one.

15 THE WITNESS: I have 9 and he suggests it might
16 be 10. Okay. I have that one.

17 BY MR. RIPPIE:

18 Q Okay. If you would, please, mark it ComEd
19 Cross Exhibit No. 1 if you happen to have a pen with
20 you.

21 Now, that indicates the starting
22 maximum block of the 82,449 that you testified to; is

1 that correct?

2 A Yes.

3 Q And then there's -- the next column is new
4 data which I submit to -- refer to the new data
5 coming from Mr. Piazza. We took it -- frankly, an
6 estimate of what we thought the mathematical impact
7 of that was. You have a slightly different number.

8 Is it possible so that the record is
9 clear as to the deduction that you've made, for you
10 to take a pen and write in there the correct number
11 as you testified to it for the deduction for the new
12 data and then the remaining number of aggregate
13 customers associated with the interruptions for limb
14 broken, tree contact and intentional interruptions?

15 MS. SATTER: If you will, there's no source on
16 here. Is this referring to data from Mr. Rockrohr's
17 testimony.

18 MR. RIPPIE: The source is Mr. Rockrohr.

19 MS. SATTER: Well, is this from his testimony
20 at a certain page? Can you direct us to a citation
21 just so that we can follow what you're doing?

22 MR. RIPPIE: The citation is Page 6. It begins

1 with the 82,449 that appears on Page 6, Line 119 and
2 I'm asking him to mark on there what the remaining
3 balances are according to his calculation.

4 MS. SATTER: Of his revised rebuttal?

5 MR. RIPPIE: Of his rebuttal revised, Exhibit
6 No. 2.

7 MS. SATTER: That's where the 82 figure is.

8 MR. RIPPIE: Right.

9 MS. SATTER: Where are the other numbers from?

10 MR. RIPPIE: I'm asking him to replace them
11 with the correct number according to his calculation
12 so we have the exact numbers that he used. Those
13 were taken from what he estimated the effect of
14 Mr. Piazza testimony would be. He has a slightly
15 different number, so I'm asking him to write in the
16 correct number.

17 MS. SATTER: So you're asking him if he agrees
18 with your -- with these representations on this
19 chart?

20 MR. RIPPIE: I am certainly not asking that. I
21 am asking him to write in the correct number and I
22 will offer into evidence the document that has the

1 numbers that he writes on it. We're not here, so I
2 can't do it on a live board, I have to do it this
3 way.

4 MR. HARVEY: Maybe we could take judicial
5 notice of the fact that I think 82,449 less 51,767
6 leaves us with 36,082; right?

7 BY MR. RIPPIE:

8 Q I'm trying to find out how many you've got
9 in each category. That's all I'm trying to do,
10 Mr. Rockrohr?

11 MS. SATTER: So you are trying to find out how
12 he changed his model as he testified that he
13 accommodated some of these changes?

14 MR. RIPPIE: Correct. I am trying to find out
15 what the reduction was and then how many that leaves
16 in limb broken at less than 60 miles an hour, tree
17 contact and intentional.

18 THE WITNESS: Mr. Rippie, are the green
19 blocks -- is your intent that those represent
20 additional outages that are disallowed or the outages
21 that remain after the disallowance?

22

1 BY MR. RIPPIE:

2 Q My intention was that the first block
3 represents the number of customers who lost power as
4 a result of the interruptions that you decided you
5 could recommend were unpreventable based on the new
6 data for Mr. Piazza; and that the next three are the
7 number of customers affected by the interruptions in
8 the remaining three categories that are indicated at
9 the bottom of the table.

10 A Okay. The subtraction that I discussed
11 earlier would indicate that Mr. Piazza's surrebuttal
12 caused me to reduce the 82,449 by 30,682. So 30,682.

13 Q Okay.

14 A There were no other additional reductions.

15 Q Okay. So that left the other three numbers
16 the same?

17 MR. HARVEY: By "the other three numbers,"
18 Counselor, I'm not entirely certain --

19 BY MR. RIPPIE:

20 Q How many customers were affected by the
21 interruptions that remained after taking into account
22 Mr. Piazza's data that you proposed to disallow on

1 the grounds that they were due to a limb broken at a
2 time when there was less than a 60 mile an hour gust
3 indicated in his data?

4 A I did not disallow interruptions for broken
5 limbs if the wind speed was less than 60 miles per
6 hour. My disallowance was for wind speeds greater
7 than 60 miles per hour?

8 Q Okay. We're just using "disallowance" in
9 the opposite means.

10 You agree that a broken limb occurring
11 at a wind speed of greater than 60 miles an hour
12 should be deemed unpreventable, do you not?

13 A That's correct.

14 Q Okay. We just used the words in the
15 opposite -- in the opposite sense.

16 So the first -- the limb broken less
17 than 60 miles an hour gust, I'm asking you, how many
18 customers were affected by interruptions that you --
19 that were categorized as limb broken that you did not
20 recommend be found unpreventable by virtue of the
21 fact that the wind speed was less than 60 miles an
22 hour?

1 A I can only give you the max- -- the
2 combined values. I don't have them broken out by
3 cause, as you do, on the bottom of this table.

4 Q Would the way -- if we ever had to
5 determine that number, would the method you would use
6 to determine it be to strike off the list all of
7 the -- all of the interruptions that Mr. Piazza's
8 data relates to and then to simply total up the
9 number of customers in the remaining ones that were
10 categorized as limb broken, tree contact and
11 intentional?

12 A Or any other --

13 Q Exactly.

14 A -- cause.

15 For each individual time interval of
16 the outage or of the storm event.

17 Q If we --

18 A And, again, I want to be clear that these
19 are maximum values for the storm event. This doesn't
20 mean at any moment in time these numbers were
21 occurring.

22 Q I appreciate that. So if I rephrased my

1 question, though, to occur to the maximum point, that
2 would be the methodology that you would use to assess
3 that; is that correct?

4 A Yeah. To review the methodology, it's -- I
5 simply used the spreadsheet that identifies the
6 number -- or the customers involved in outages that
7 would be included in my waiver recommendation and
8 subtract them from those customers that experienced a
9 4-hour or longer interruption. So only customers
10 experiencing an outage of at least 4 hours are even
11 in the discussion and then if I included a particular
12 cause code, as you call it, in my waiver, I would
13 subtract the number of customers affected by that
14 cause code for every interval and if there were more
15 than 30,000 customers for any enter interval, I would
16 state that during that interval of time, more than
17 30,000 customers were not covered by a waiver.

18 Q Understood. Let's see if I can try to
19 summarize this one last time and then I'll try a
20 different way to, I think, see if we can get the
21 record clear.

22 For the maximum interval that you

1 describe, would you go about determining the number
2 of customers that you did not include in the pool of
3 customers where you determined that the damage that
4 caused their interruption was unpreventable, by
5 taking the number of customers affected as shown on
6 the spreadsheet and eliminating those rows of the
7 spreadsheet that Mr. Piazza provided additional data
8 led you to classify as preventable and then looking
9 at the remainder by the various categories that we
10 were talking about?

11 MR. HARVEY: I don't mean to be an
12 obstructionist, but I kind of have a form of the
13 question problem with that primarily, I suspect, due
14 to my own not getting it. Is there --

15 MR. RIPPIE: That's actually why I was trying
16 the exhibit, but sure, I'll try one last time to
17 break this up.

18 BY MR. RIPPIE:

19 Q If we were to ask you the question that I
20 asked you a few minutes ago, which was, of those
21 aggregate customers at the maximum interval, how many
22 of them were out of service because of an

1 interruption that was attributed to a broken limb at
2 a period of time when the wind was less than 60 miles
3 per hour, you would calculate that answer based on
4 the data in the spreadsheet; right?

5 A Yes.

6 Q And you would base it by determining which
7 rows of the spreadsheet remained that met that
8 criterion -- or actually those criteria and adding
9 them up?

10 A Yes, but time interval, yes.

11 Q Okay.

12 MS. SATTER: Can you clarify what the interval
13 is?

14 BY MR. RIPPKE:

15 Q The interval would be the 4-hour period,
16 Mr. Rockrohr, with the maximum number of interrupted
17 customers having an interruption duration of 4 hours
18 or more; right?

19 A The interval is much smaller than 4 hours.
20 The interval is approximately a minute. So -- and
21 the reason for that is at the end of any given
22 minute, there may or may not be customers who

1 experience -- who have just experienced 4 hours of
2 interruption time.

3 Q Okay. Let me try to rephrase the question
4 then.

5 You were looking at it in a view
6 granular way, but you are looking for those customers
7 that have experienced a 4-hour period of continuous
8 lack of service?

9 A Correct.

10

11

12 (Change of reporters.)

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1 (Change of reporters.)

2 Q Now, switching cases. In Docket No.
3 11-0662, did you undertake a similar analysis -- I
4 suspect you should leave all this in both dockets
5 rather than waste everybody's time with me asking all
6 the predicate questions?

7 Did you use the same type of
8 analysis in Docket 11-0662 that you did in 11-0588?

9 A Yes.

10 Q And did that lead you to the conclusion
11 that the aggregate number of customers using the
12 methodology that you just described was below 30,000?

13 A Yes.

14 Q And is that the reason why you recommend
15 that Com Ed be given a waiver to the extent the
16 statute applies?

17 A Yes.

18 Q And did you, in reaching that conclusion,
19 ignore any knowledge known to you that would be
20 relevant to that determination in your opinion?

21 A No.

22 Q Now, continuing with both dockets, when the

1 statute in question refers to unpreventable damage
2 due to weather events or conditions, you evaluated
3 that criteria with respect to each of the rows of
4 each of those spreadsheets, right?

5 A I utilized the cause codes of that that Com
6 Ed provided.

7 Q But your methodology applied that to every
8 row of every spreadsheet separately?

9 A Yes, every row, yes.

10 Q Now, when the statute refers to
11 unpreventable damage due to weather events or
12 conditions, did you use that to mean interruptions
13 that were unpreventable by the utility?

14 A Yes.

15 Q And is your notion of or your belief that
16 what is unpreventable by a utility is those things
17 that -- strike that, please.

18 Do you believe that what is
19 preventable by the utility -- still got it wrong.
20 I'll try number three.

21 Is it your view that what is
22 unpreventable damage -- damage that a utility cannot

1 prevent, is damage that would occur despite the
2 utility using good utility practice and accepted
3 engineering construction and maintenance practices?

4 A Yes, that's fair.

5 Q Now, you're generally familiar, as I
6 believe Ms. Satter asked you, with the reliability
7 obligations of an Illinois utility; is that correct?

8 A Yes.

9 Q And Illinois utilities are supposed to act
10 in a manner that is prudent and reasonable; is that
11 correct?

12 A Yes.

13 Q Is it your belief that acting in a manner
14 that is imprudent or unreasonable is consistent with
15 good utility practice?

16 A No.

17 Q So is it -- is Commonwealth Edison's
18 phraseology of the standard that says a utility can't
19 prevent damage that behaving in a reasonable and
20 prudent manner wouldn't prevent, in your mind,
21 essentially equivalent to your definition?

22 A Again, are you asking me if Com Ed's

1 statement is equivalent to my definition?

2 Q I'll make it even simpler. Would you
3 accept as being essentially equivalent to your
4 definition, that a utility can't be expected to
5 prevent damage through unreasonable or imprudent
6 actions?

7 A Yes, I think that's fair.

8 Q And I know you've had some experience
9 working for a utility before you went to work for the
10 Commission, maybe actually two utilities, right?

11 A That's correct.

12 Q In planning as well as operational fields,
13 right?

14 A Correct.

15 Q Is part of running a utility reasonably and
16 prudently balancing competing resources' needs and
17 adopting strategies that are appropriate considering
18 all of the factors that go into providing reliable
19 service?

20 A Provided minimum -- yes, provided minimum
21 maintenance and construction standards are met.

22 Q And utilities, in your experience, have

1 programs that are designed to identify those
2 individual locations on their system where something
3 needs repair or replacement and to respond to those
4 conditions?

5 MR. HARVEY: Just to clarify, Mr. Rockrohr,
6 I think, is testifying about his experience prior to
7 coming to the Commission.

8 BY MR. RIPPKE:

9 Q I'll make that clear, thank you. In your
10 experience in dealing with utilities, both prior to
11 coming to the Commission and in observing Illinois
12 utilities during your tenure as a Commission
13 employee, would you agree that a good utility should
14 maintain the systems to identify those individual
15 locations on its system where something needs repair
16 or attention and to respond to it accordingly, to get
17 it back in shape, if you will?

18 A Yes. Inspections and maintenance in
19 response to those inspections are critical.

20 Q Now, with respect, I'm going to focus on
21 the July 11th storm for a fair amount of time now.
22 Just to confirm, you have recommended that the

1 Commission regard as unpreventable damage that damage
2 to utility equipment caused by winds when gusts
3 exceeded 60 miles per hour as demonstrated by Mr.
4 Piazza's data; is that correct?

5 A I've included in those outages in my waiver
6 recommendation.

7 Q Okay, fair enough. And that's because the
8 60 mile an hour number is approximately equivalent to
9 the wind speed that would be required to put the
10 forces on equipment that the NESC standard for
11 utility equipment strength would call for; is that
12 right?

13 A Partially. It's also because it's my
14 opinion that regardless of the condition of the
15 utility's trim job, the outages would be
16 unpreventable above 60 miles an hour.

17 Q Fair enough. You have also included in
18 that pool of preventable outages to be
19 unpreventable -- sorry, strike that whole question.

20 You have also included in that pool
21 of unpreventable damage, damage from broken limbs
22 where the wind speeds exceed 60 miles an hour only,

1 right?

2 A Yeah, that's just what we were talking
3 about I believe.

4 Q Got it. And by broken limbs, we are
5 talking about a condition where there is a limb
6 either over or near a wire, but potentially out of
7 the appropriate clearance zone that nonetheless
8 breaks off and does something that damages the
9 utility facility, right?

10 A I have no idea whether it was in the
11 appropriate trim zone or outside the trim zone, but
12 my understanding of Com Ed's outage record would be
13 that a broken limb would mean it was detached from
14 the tree and caused the damage or outage.

15 Q Be it inside or outside the zone?

16 A Correct.

17 Q And an uprooted tree would be when the tree
18 is detached from the ground and actually falls on or
19 otherwise damages the equipment?

20 A Well, an uprooted tree wouldn't necessarily
21 be detached from the ground, but it would tip over.

22 Q Okay. Fair enough. Now, all of those

1 criteria that you applied in the same way to all of
2 the storms, right?

3 A Yes.

4 Q And would you also apply those criteria to,
5 say, a micro burst that only affect a few blocks?

6 A I need to backup. You asked me if I
7 applied all those criteria to all of the storms and
8 my recollection is that I did not apply the criteria
9 of limbs exceeding 60 miles -- in areas that exceeded
10 60 miles an hour where the -- where my -- it was
11 unnecessary to do so in order to reach a number that
12 was below the 30,000. In other words, once the value
13 was beneath the statutory 30,000, there was no need
14 to look for additional interruptions, was my opinion.

15 Q Okay. You did not apply a more forgiving
16 standard for the larger incident -- I'm sorry, for
17 the larger impact storms than for the smaller impact
18 storms?

MR. HARVEY: By forgiving, I guess
19 I need a certain amount of clarification.

20 BY MR. RIPPIE:

21 Q Sure, I'll withdraw it, we'll try it again.
22 You only applied or applied the wind test if you

1 needed to to get below the 30,000, right?

2 A Essentially, yes.

3 Q But you didn't apply a different wind test,
4 for example, a test that would say damage caused by
5 wind speeds of 40 miles an hour were unpreventable,
6 to any storm?

7 A Correct.

8 Q And for no storm did you consider any
9 interruptions coded as due to tree contact as being
10 due to preventable damage, right?

11 A For no storm did I incorporate that within
12 my recommendation.

13 Q Without regard to wind speed?

14 A Correct.

15 Q So 80 mile an hour wind speed, tree contact
16 was still excluded from the pool of damage which you
17 recommended be deemed unpreventable?

18 A That's accurate.

19 Q Are you generally familiar with the
20 circumstances surrounding the July 11th storm,
21 including its size, speed and intensity?

22 A My familiarity with that storm is based on

1 information that I read about it. I did not
2 experience it personally.

3 Q But you looked in the sources that you
4 would look in to find data on a storm like that as an
5 engineer, including, for example, National Weather
6 Service data and the kind of data that Mr. Piazza
7 provided, along with his testimony; would that be a
8 fair statement?

9 A Yes.

10 Q Now, would you agree with me, based on your
11 general familiarity with the National Weather Service
12 and other data, that on the morning of July 11th the
13 local atmosphere was in a disturbed state? I'm
14 quoting, but if he knows.

15 A I don't recall -- sitting here I don't
16 recall when the actual storm event began. My
17 understanding from the testimony that I read is that
18 the storm began on the 11th and extended several
19 days, in terms of the clean up or the recovery.

20 Q The line of thunderstorms involved
21 extended, did it not, from western Wisconsin through
22 Iowa, at its inception, into Nebraska and then down

1 into Kansas?

2 A Subject to check, that's fine.

3 Q And then by the morning it was coming in to
4 Illinois, crossing the Mississippi River at around
5 6:00 a.m. on the 11th, subject to check?

6 A Okay.

7 Q I'm now going to give you the radar images.
8 These, by the way, are right out of Mr. Piazza's
9 testimony and I'm giving them to you in the hope that
10 they will aid our discussion. It is a two-page
11 exhibit. It will be designated in the box as No. 8,
12 I believe.

 MR. HARVEY: And just so we're
13 clear, Counsel, the source of this is Mr. Piazza?

 MR. RIPPIE: With the exception of the
15 title page saying, Storm July 11th, they are Mr.
16 Piazza's materials.

 MS. SATTER: Do you have any further
18 identifications, such as page numbers?

 MR. RIPPIE: No, they are right out of
20 Mr. Piazza's testimony.

 MS. SATTER: Which exhibit? He had several
22 exhibits.

1 MR. RIPPIE: I will try and find it, but
2 I'm not going to ask the witness to go back to Mr.
3 Piazza's testimony.

4 MS. SATTER: You are representing they are
5 from the testimony, I think it's only appropriate to
6 have the source.

7 MR. RIPPIE: I will dig it up for you if
8 you like.

9 (Com Ed Cross Exhibit No. 2 was
10 marked for identification.)

11 BY MR. RIPPIE:

12 Q Mr. Rockrohr, while I'm digging that source
13 up, do you recognize these documents? Do you
14 recognize the images?

15 A If you're asking have I seen them before,
16 they look familiar. I couldn't tell you precisely
17 which exhibit from Mr. Piazza they were in, but they
18 do look familiar.

19 MR. RIPPIE: We think it's 4.05. It is
20 the one that looks like the July 11th storm.

21 MR. HARVEY: We'll concur that this appears
22 to represent images contained in 4.05.

1 BY MR. RIPPIE:

2 Q Mr. Rockrohr, would you agree that, and you
3 can consult the exhibit to the extent you need to
4 refresh your recollection, but to the extent that you
5 don't, answer the question without it, would you
6 agree that the principal component of the July 11th
7 storm was a thunderstorm complex that extended from
8 the Wisconsin/Illinois border to well south of the
9 Chicago metropolitan area?

10 A That's my understanding, yes.

11 Q And that during the period of time between
12 6:00 a.m. and 9:00 a.m., that thunderstorm complex
13 formed a bow and passed across the service territory
14 of the company and then exiting to the east?

15 MR. HARVEY: I think we are prepared to
16 stipulate that these documents are what they purport
17 to be. I'm not certain that Mr. Rockrohr is the
18 right person to testify.

19 BY MR. RIPPIE:

20 Q Fair enough. Do you know, Mr. Rockrohr,
21 what this type of thunderstorm complex is called?
22 Have you heard it referred to as a derecho?

1 A Yes. That is not how I was going to
2 pronounce it but yes, it is straight line winds.

3 Q And Mr. Rockrohr, as an electrical engineer
4 that has worked in the utility industry, would you
5 agree that a derecho is an unusual event that has a
6 particular significance to the operators of a utility
7 system?

8 A It certainly used to be an unusual event.
9 And yes, it does pose challenges to the operators of
10 electric utilities.

11 Q And is one of the reasons why, because the
12 thunderstorm itself is moving with great rapidity and
13 that any winds that blows out in front of it simply
14 add to that velocity?

15 A I have no idea.

16 Q But you are aware that for operators of a
17 utility, this kind of storm, a derecho, is a
18 particularly destructive event, are you not?

19 A Yes, I am.

20 Q Do you know whether the derecho that
21 occurred less than two weeks ago in the eastern
22 United States had wind speeds in the 60 to 80 mile an

1 hour range, just like this derecho?

2 MR. HARVEY: I have to say that this is
3 somewhat beyond the scope of his testimony or this
4 proceeding.

5 MR. RIPPPIE: I know that this witness
6 obviously can't testify to that derecho. But this
7 witness does testify about what conditions cause
8 preventable and unpreventable outages. And I think
9 it's fair to ask him whether he is aware of the
10 levels of destruction that similar storms have
11 produced. If he's not an aware, then tell me he's
12 not aware.

13 MR. HARVEY: It's pretty clearly the
14 Company's position that storms, unrelated to the
15 summer storms of 2011, aren't at issue here. And I
16 would just point out that the storms that took place
17 in the eastern United States a couple of weeks ago
18 fall squarely into that category.

19 MR. RIPPPIE: Well, we didn't justify the
20 outage based on that. But this witness has testified
21 that damage that occurs at various wind speeds, in
22 his view, is not preventable and I think I'm entitled

1 to inquire what the reality is of damage at wind
2 speeds in that range.

3 He has chosen to say that no matter what
4 the wind speed, tree contact, in his view, doesn't
5 fall in the unpreventable category and that limb
6 drops below 60 miles an hour don't fall into that
7 category. And I think I'm entitled to explore
8 whether those decisions bear any relationship to the
9 real world.

10 MR. HARVEY: Well, and certainly that is
11 something you are entitled to do, but I think doing
12 it by having him testify regarding matters not at
13 issue here, and clearly beyond the scope of this
14 proceeding, is not one of the ways you can do that.

15 JUDGE DOLAN: I'll sustain the
16 objection.

17 BY MR. RIPPIE:

18 Q In deciding whether or not tree contact was
19 preventable in your view, at any wind speed, did you
20 consider the damage that was caused by other storms
21 of similar levels of violence?

22 A I considered the information that Com Ed

1 provided regarding the July 11th storm.

2 Q So your understanding would be in reaching
3 your -- strike that, please.

4 The no tree contact is preventable
5 position is yours, not Com Ed's, right?

6 A I don't think you are capturing my position
7 accurately. I did not include tree contacts in my
8 recommendation because in my opinion Com Ed did not
9 show that they were unpreventable. That is not the
10 same as saying that any tree contact is
11 unpreventable.

12 Q So is it your view, then, that in order to
13 meet the criteria that you would have to show that
14 tree contact is preventable, you would require --
15 strike that, please.

16 Before I go there, I want to make
17 sure I don't lose the previous question. In
18 developing the standards that you applied, not in
19 determining whether or not they were met, but in
20 developing the standards, is it correct that you did
21 not consider the level of damage caused by other
22 storms of violence and extent similar to the July

1 11th storm?

2 A Yes, I think that's true.

3 Q And did you, in deciding what your opinion
4 would be today, consider in any way the events of the
5 last 10 days in the states to the east of us where
6 people are out of service?

7 MR. HARVEY: Well, I'll have to renew my
8 objection insofar as that requests an opinion on a
9 matter that is beyond the scope.

10 MS. SATTER: It's also after his testimony
11 was done.

12 MR. RIPPPIE: No, I asked him whether he
13 considered it, that's all I asked. I haven't asked
14 the next question, yet.

15 JUDGE DOLAN: Well, I'll overrule the
16 objection. You can ask him the question.

17 THE WITNESS: No.

18 BY MR. RIPPPIE:

19 Q Now let's go back to where I was before.
20 Am I correct that in reaching your recommendation,
21 that tree contact was not preventable at any wind
22 speed, you did not accept evidence based on the

1 nature of the storm or how vegetation reacts, in
2 general, to storms of that strength?

3 A I don't think I could agree with that. How
4 vegetation reacts during storms of that strength was
5 a large part of the reason I included outages due to
6 limb breakage above 60 miles per hour in my
7 recommendation.

8 Q Now, 60 miles per hour is a wind speed that
9 is related to the strength required applicable to
10 electric utility facilities; am I correct?

11 A Well, not precisely. The NESC puts wind
12 loading on utility -- wind loading requirements on
13 utilities based on the pressure a limb would cause on
14 them. Com Ed witnesses provided an exhibit that
15 showed a typical utility pole without icing should be
16 able to withstand up to 65 mile an hour winds.

17 Q And that's Exhibit 7.01, right?

18 A Correct.

19 Q But the 60 mile an hour standard is related
20 to your view, be it mathematically derived from the
21 NESC or based on your opinion, on the strength a
22 utility facility ought to be exhibiting during any

1 storm, right?

2 A Well, as I said before, that's only part of
3 it. The other part is that it's my position that
4 regardless of the condition of the utility's trim, if
5 limbs break above 60 miles per hour, there is little
6 they could do to prevent them from contacting their
7 -- and damaging their distribution system.

8 Q Now, Mr. Rockrohr, your experience is as an
9 electrical engineer, right?

10 A I have experience as an electrical
11 engineer, yes.

12 Q But that is what your degree is in?

13 A Correct.

14 Q You do not have a degree in forestry or
15 arboriculture?

16 A I do not have a degree in either of those.

17 Q And you have never held yourself out to the
18 public as a forester?

19 A I have not.

20 Q No part of your training involved the study
21 or evaluation of the strength or resiliency of
22 different species of wood?

1 A I couldn't say that. I actually was the
2 manager of vegetation management for a time in North
3 Coast Division of Pacific Gas and Electric.

4 Q Pacific Gas and Electric employees
5 professional arborists, don't they?

6 A They do.

7 Q And you weren't one of them, you were the
8 manager?

9 A Correct.

10 Q You agree, based on your experience that
11 different trees have different strengths?

12 A Yes.

13 Q Is it your view that Com Ed has a right to
14 control what kind of trees are planted along its
15 right-of-way? I said along, not within, by the way.

16 A No. In fact the type of tree, though,
17 could certainly dictate how they trim that
18 right-of-way.

19 Q Fair enough. But Commonwealth Edison can't
20 determine whether people plants trees that break at
21 lower wind speeds along the edge of their
22 right-of-way, can they?

1 A No.

2 Q And Com Ed also can't determine whether
3 folks plant trees or vegetation that pieces break off
4 of and blow around during storms, can they?

5 A No.

6 Q And you know, do you not, Mr. Rockrohr,
7 from personally observing the aftermath of severe
8 storms, that pieces of vegetation do break off and
9 blow around at high wind speeds?

10 A Yes, they do.

11 Q Would you agree or do you have any reason
12 to disagree with Commonwealth Edison's statements and
13 testimony that the July 11th storm was the single
14 most damaging storm in the history of the company?

15 A I have no reason to disagree or refute
16 that.

17 Q Now, I want you to hypothetically assume
18 that everything about the July 11th storm was the
19 same, except that it was half the size. The
20 condition of the system was the same, the condition
21 of the vegetation was the same, the wind strength was
22 the same, everything else was the same, except its

1 physical extent was half the size. If that
2 hypothetical were true, and you applied your same
3 methodology, the conclusion you would arrive at would
4 be to recommend a waiver of all liability, wouldn't
5 it?

6 MR. HARVEY: Just for the sake of argument,
7 are we referring -- by half the size, you said half
8 of the geographical size affecting half of the
9 geographical area?

10 BY MR. RIPPIE:

11 Q We'll take that. What I really mean is
12 causing exactly -- interruptions of exactly half the
13 extent. MR. HARVEY: I'm assuming this
14 is hypothetical?

15 MR. RIPPIE: It is hypothetical.

16 THE WITNESS: Well, clearly if you are
17 cutting the number of outages in half, then the
18 analysis would result in some lower number than the
19 analysis resulted in in this docket. It clearly
20 depends on two things, the number of customers
21 interrupted, as well as the Company's response to it.

22 So if the Company responded in like

1 manner, it's likely that the result would have been
2 fewer than 30,000 customers exceeded four hours
3 interruption after the waiver I recommended.

4 BY MR. RIPPIE:

5 Q So to be clear, all other things being
6 equal, including the response, the half size storm,
7 you arrive at a complete waiver recommendation,
8 right?

9 MR. HARVEY: Hypothetically of course.

10 MR. RIPPIE: Hypothetical.

11 THE WITNESS: And I'm not trying to be
12 difficult. I think that's a possible outcome it's
13 not a guaranteed outcome.

14 BY MR. RIPPIE:

15 Q If all other things were equal, Mr.
16 Rockrohr, how couldn't it be in the outcome?

17 A Well, when you say all other things being
18 equal, does that mean you're utilizing, for practical
19 purposes, twice the work force you were using on the
20 larger storm? In that case, yes, I think it would be
21 very likely that a waiver would place the number
22 below 30,000.

1 If you are also halving the work
2 force, then the ratios might equal out and you might
3 wind up in exactly the place you are. You know, I
4 can't predict that.

5 Q But as your work force example illustrates,
6 under this particular view of 16-125 and what it does
7 or doesn't apply to, you are more likely to get a
8 waiver with a smaller storm than you are with a more
9 damaging storm, aren't you?

10 A You are more likely to get a waiver or not
11 be liable for damages in a storm that effects further
12 people, certainly.

13 Q And for less length of time?

14 A If recovery is for less of a time,
15 certainly.

16 Q Now, we spent a lot of time talking about
17 how storms could cause interruptions, but you also
18 mentioned the length of time for restoration. The
19 methodology that you've described to determine
20 whether or not damage was preventable did not include
21 whether or not the affects of the storm frustrated
22 restoration to make it so that the duration of the

1 resulting interruption was longer than four hours,
2 did it?

3 A It certainly did in 11-0662.

4 Q Fair enough. It did not in 11-0588?

5 A Only to the extent that I testified that I
6 thought that Com Ed's response efforts were adequate
7 and appropriate.

8 JUDGE DOLAN: Did you say adequate and
9 inappropriate?

10 THE WITNESS: And appropriate.

11 BY MR. RIPPIE:

12 Q In your view, Mr. Rockrohr, how many
13 interruptions occurred during the July 11th storm?

14 MR. HARVEY: And just to be clear, Counsel,
15 we are talking about total interruptions or
16 preventable interruptions?

17 MR. RIPPIE: Total.

18 MR. HARVEY: And by interruptions we also
19 mean of any duration?

20 MR. RIPPIE: Any.

21 BY MR. RIPPIE:

22 Q I'll make it easier, the answer is not one,

1 is it?

2 A No, the answer is not one.

3 Q It would be some number of hundreds or
4 thousands?

5 A Yes. I don't think I have that number at
6 my fingertips, although I do have that available. Do
7 you want me to try the find the exact number?

8 Q Sure. If you can do it, I don't want to
9 waste everyone's time.

10 A And your question is limited to the July
11 11th storm?

12 Q Yes.

13 A The value that I have at my fingertips here
14 down in this room is the number of customers
15 simultaneously experiencing interruption during any
16 four hour period and that was 483,816. My
17 recollection is that the total number of customers
18 experiencing an interruption was closer to 900,000.

19 Q But my question was not how many customers
20 were affected, but how many interruptions caused that
21 number of customers to be out of service.

22 A Sorry.

1 MR. HARVEY: Before he answers this
2 question, Counsel, I'm somewhat perplexed. Are we
3 talking about -- are we now talking about
4 interruption or damage to individual circuits
5 resulting in interruption or am I being more than
6 usually obtuse?

7 MR. RIPPIE: I'll make the question as
8 simple as I can.

9 BY MR. RIPPIE:

10 Q How many interruptions did the July 11th
11 storm cause?

12 A 5,324, according to Com Ed's data.

13 Q Which you have no reason to doubt?

14 A That's what I utilized for all my
15 recommendations.

16 Q I'm not asking you to swear that it's not
17 5,325, that's not what I'm asking. You have no
18 reason to believe it's 3,000?

19 A No, I have no reason to doubt the numbers
20 that Com Ed provided in their exhibits to the
21 petition.

22 Q And that is the number that you used, as

1 you said, in your analysis of the July 11th storm?

2 A Yes. And to be clear, there is a
3 difference between the line items on the exhibits and
4 the outage ID numbers, but yes, this is the resultant
5 value after I counted, basically, the unique outage
6 ID's that Com Ed attributed to that storm.

7 Q And please forgive me, I just want to make
8 sure that I did get the answer to my question. And
9 you accepted that and used it as the input for your
10 analysis of the September 11th storm -- September
11 11th, sorry. July 11th.

12 A Frankly, this was informational fact that
13 came out of my analysis. I did not use this number
14 for my analysis.

15 Q So you are actually involved in the
16 derivation of it?

17 A I provided a count.

18 Q Did you do a similar thing in the analysis
19 of the other five storms at issue in 11-0588 and the
20 one storm at issue in 11-0662?

21 A Yes, regarding the other storms in 11-0588.
22 And I do not recall on 11-0662. I think it likely,

1 but I don't think I included that in my testimony.

2 Q But if I were to ask you how many
3 interruptions were caused by the February blizzard,
4 that is the storm at issue in 11-0662, you would
5 describe the same process and you'd end up with a
6 number in the thousands?

7 A I would wind up with a number, sorry. I
8 don't know if it's in the thousands or hundreds, but
9 it would be some number.

10 Q And going back to the beginning of my cross
11 examination, you took on the task of analyzing these
12 interruptions to determine whether they were
13 attributable to unpreventable damage due to weather
14 events or conditions, you analyzed those
15 interruptions using the set of criteria that we've
16 just discussed for the last hour; is that correct?

17 A I think you are asking me if I used the
18 similar criteria when determining my waiver
19 recommendation for all of these storms and the answer
20 would be yes.

21 Q I'll ask -- that was half of the question.
22 In answering the question of whether or not the

1 interruptions were due to an unpreventable damage
2 caused by weather events or conditions, you went
3 through the various -- strike that.

4 I'm going to try to make this
5 really simple and then we may be done. In order to
6 get those counts, you applied your criteria to a
7 series of things, right?

8 A I applied my criteria to the outage causes
9 that Com Ed provided for each.

10 Q For each interruption?

11 A Outage ID.

12 Q For each outage ID, which you said did not
13 correlate exactly to the individual interruptions,
14 but you made some adjustments from that outage ID
15 number to get to it?

16 A It didn't correlate directly to each line
17 on Com Ed's attachment to its petition, simply
18 because some outage ID's were listed on multiple
19 lines.

20 Q And you didn't apply the criteria to where
21 the same interruptions showed up on multiple lines,
22 you didn't apply the criteria multiple times, you

1 combined it and applied it once, right?

2 A For the purpose of my analysis, I applied
3 the criteria to every line. And as I mentioned
4 earlier, the number of unique Com Ed outage ID's was
5 simply an informational fact not really used for the
6 analysis, but just a piece of information gleaned
7 from the analysis.

8 In other words, the number of
9 customers is not consistent or constant for every
10 outage ID. One outage ID might be a thousand
11 customers and another one customer. So in terms of
12 whether the waiver, the counts for the purpose of
13 waiver, the number of outage ID's is not the critical
14 piece of information.

15 Q Okay. I think I can ask the question so
16 that we're both clear. In determining whether or not
17 unpreventable damage due to weather events or
18 conditions existed, you went through each line item
19 and separately considered each of the, as you put
20 them, outage ID's, identified by the company?

21 A I considered every line item in the data
22 that the company provided.

1 Q Individually?

2 A Yes, each line item was separately
3 identified as to cause category and whether it would
4 be included in a waiver or not.

5 MS. SATTER: Can I inquire where we are in
6 the time estimate?

7 MR. RIPPIE: I have approximately 90
8 seconds. MS. SATTER: Okay, clock is
9 running.

10 BY MR. RIPPIE:

11 Q In the reporting to the Commission and its
12 staff about the reliability impacts of all seven of
13 the storms at issue in these two dockets, you
14 wouldn't expect the company to treat these -- each
15 storm as being a single interruption, would you?

16 A No.

17 Q And, in fact, if they did such a thing,
18 wouldn't staff conclude that the result would be
19 meaningless?

20 A Off the top of my head, I don't see that it
21 would be useful. I don't know about meaningless, but
22 I can't see where I would use it for anything.

1 MR. RIPPIE: Close enough, thank you
2 very much, that's all I have.

3 MR. HARVEY: If we could have a minute.

4 JUDGE DOLAN: Sure, go off the record.

5 (Break taken.)

6 MR. HARVEY: No redirect, your Honor.

7 JUDGE DOLAN: Okay, great, thank you Mr.
8 Rockrohr.

9 (Witness excused.)

10 MS. YU: We have Mr. Frank from Highland
11 Park.

12 JUDGE DOLAN: Mr. Frank, please raise
13 your right hand.

14 (Witness sworn.)

15 DIRECT EXAMINATION

16 BY

17 MS. YU:

18 Q Will you please state your name for the
19 record?

20 A Paul Frank.

21 Q On whose behalf are you testifying in this
22 case?

1 A I'm here to affirm the testimony of Mayor
2 Nancy Rotering on behalf of the City of Highland
3 Park, Illinois.

4 Q And do you know the substance of the
5 testimony identified as AG Exhibits 2.0 and 2.1 from
6 your own personal knowledge and experience?

7 A Yes, I do.

8 Q Do you want to make any changes or
9 corrections?

10 A No.

11 Q If I were to ask you the questions in these
12 documents today, would your answers be the same as
13 those found in the testimony?

14 A Yes.

15 Q And to the best of your knowledge, are the
16 answers in the testimony true and correct?

17 A Yes.

18 MS. YU: At this time I would like to
19 present these documents into the record and offer Mr.
20 Frank for cross examination.

21 MR. ROONEY: Can we reserve ruling, based
22 upon cross examination on a few items, your Honor?

1 JUDGE DOLAN: Sure.

2 MR. ROONEY: Thank you.

3 CROSS EXAMINATION

4 BY

5 MR. ROONEY:

6 Q Good afternoon, Mr. Frank, my name is John

7 Rooney, I have a few questions for you this

8 afternoon. Mr. Frank, you agreed to adopt Mayor

9 Roterling's testimony last week, correct?

10 A Correct.

11 Q Prior to last week, did you read Ms.

12 Roterling's testimony?

13 A I didn't read this testimony prior to last

14 week, but I'm aware of many of the conversations

15 related to the topic, related to service issues.

16 Q I don't mean to interrupt you, but my

17 question was, did you review it before last week and

18 my understanding is you did not review this testimony

19 before last week?

20 A Correct.

21 Q Do you know whether Ms. Roterling obtained

22 Highland Park City Council approval to file this

1 testimony when it was filed on January 26, 2012?

2 A As a member of the City Council I was aware
3 that she was filing testimony.

4 Q Do you know who approached Ms. Roterling
5 about filing testimony in this proceeding?

6 A No.

7 Q So then you wouldn't know when she was
8 approached and asked to prepare testimony?

9 A No.

10 Q Now, in the course of preparing for your
11 appearance at the hearing today, in addition to Ms.
12 Roterling's testimony, what materials did you read or
13 review to prepare for being here today?

14 A I reviewed some meeting minutes from City
15 Council meetings that occurred in 2011.

16 Q Did you happen to read any of the testimony
17 that was filed in this case by witnesses others than
18 those from the Attorney General's office?

19 A I reviewed some testimony that was filed by
20 representatives of Com Ed.

21 Q Do you recall which witnesses' testimony
22 you reviewed?

1 A No.

2 Q Did you review the petition that initiated
3 this proceeding?

4 A No.

5 Q In the course of preparing for your
6 appearance at the hearing today, did you review
7 Section 16-125 of the Public Utilities Act?

8 A No.

9 Q So it would be fair to say that you don't
10 know if that statute applies to this proceeding?

11 A No.

12 Q No, you wouldn't know?

13 A I'm not aware of the language of that
14 statute.

15 Q Are you aware that this proceeding, and by
16 this proceeding I'm talking about Docket 11-0588
17 where you submitted your adopting testimony, involves
18 six summer storms that hit Com Ed service territory
19 during the summer of 2011?

20 A I'm aware that that's part of the
21 conversation that's happening in this testimony, yes.

22 Q Now, my version of your testimony has no

1 page numbers, so I'm going to strictly refer to line
2 numbers. I would like you to turn to Lines 20 and 21
3 of your testimony. Let me know when you're there.

4 A I have it in front of me.

5 Q Okay. You now there you claim from January
6 through September -- strike that.

7 You claim from January to September
8 2011, 43 percent of the entire town, there meaning
9 Highland Park, suffered from outages completely
10 unrelated to weather, correct?

11 A Correct.

12 Q On what is that 43 percent figure based?

13 A That number was provided to Mayor Roterling
14 and City staff through a conversation by Art Preston
15 of Com Ed.

16 Q Now, you state there that these outages are
17 unrelated to the weather in any way, correct?

18 A Correct.

19 Q Then you would agree with me that they
20 really don't relate at all to the six summer storms
21 that are in issue in this proceeding, correct?

22 MS. SATTER: I would object, that calls for

1 a legal conclusion and it's not really for this
2 witness to make that conclusion.

3 JUDGE DOLAN: I mean, if he's adopting
4 testimony, saying that it's from blue skies, not
5 related to the storms, I don't know how --

6 MS. SATTER: One of the questions that the
7 Attorney General has raised in this case is the
8 condition of Com Ed's system. And there have been
9 responses to that testimony that if you believe the
10 condition -- that if the condition was that bad, the
11 system wouldn't function. And I think that this
12 testimony has to do with the condition of the system.
13 I think all the witnesses in this case have said, in
14 reviewing storm performance, we have to look --
15 whether the system is constructed, designed and
16 maintained in a reasonable way.

17 And, in fact, Com Ed's witnesses have
18 also said you need to look at non-storm events when
19 you benchmark. That would be Mr. Artze and Ms.
20 Duque. So this is within the scope of the case as
21 discussed by Com Ed's witnesses as well.

22 MR. ROONEY: Well, let me withdraw the

1 question and I'll ask this question, then.

2 BY MR. ROONEY:

3 Q As I understand it, then, that testimony
4 speaks to issues completely unrelated to weather?

5 A I think what Mayor Roterling's testimony and
6 what I've seen, what I've personally witnessed, is
7 that the outages caused by the storm in 2011 did
8 affect some neighborhoods that suffer from outages in
9 non-storm times.

10 MR. ROONEY: Your Honor, I move to strike
11 the answer as unresponsive to my question.

12 JUDGE DOLAN: Sustained.

13 MS. SATTER: Can you read back the question?

14 (Whereupon, the record was
15 read as requested.)

16 JUDGE DOLAN: Do you want to hear his
17 answer?

18 (Whereupon, the record was
19 read as requested.)

20 MS. SATTER: So whether that's related to
21 weather or not, I think he asked was it related to
22 weather, he said, yes, it's related to the extent --

1 JUDGE DOLAN: But you are answering his
2 question, he didn't answer it that way. If he wants
3 to reanswer the question, that's fine. But the way
4 he answered it wasn't responsive to the question he
5 asked.

6 MS. SATTER: Maybe you should ask the
7 question again, give him another opportunity.

8 BY MR. ROONEY:

9 Q Let's move on, Mr. Frank. Starting on Line
10 133 of your testimony, let me know when you're there.

11 A Okay.

12 Q There you discuss interruptions and issues
13 that took place following the 2011 summer storms; is
14 that correct?

15 A Correct.

16 Q And I apologize, if you could turn back to
17 Line 40 through Line 45. Are you there?

18 A Yes.

19 Q And there you discuss events that have
20 taken place over the 18 years preceding the 2011
21 summer storms, correct?

22 A Yes.

1 Q Now, Mr. Frank, I didn't have the
2 opportunity to send discovery, but I looked on the
3 Highland Park website and found your bio. And you
4 are not an electrical engineer, correct?

5 A Correct.

6 Q And you've not been involved in the design,
7 construction or maintenance of an electric
8 distribution facility, have you?

9 A No, I have not.

10 Q Given that, would I be correct to assume
11 that you would not know the difference between a
12 primary distribution line and a secondary
13 distribution line?

14 A Prior to 2011 I did not.

15 Q Sitting here today do you know what the
16 difference is between a primary and a second
17 distribution line?

18 A It was explained to us at a meeting.

19 Q Visually could you observe and identify
20 what is primary distribution line and secondary
21 distribution line is?

22 A Probably not.

1 Q And similarly, would you know what a
2 service drop is?

3 A I believe that is the connection to a
4 residence.

5 Q Okay. Could you identify that visually?

6 A I think so.

7 Q Now, when you testify in Line 51 and 52
8 that we have areas where the trees are visibly
9 overgrown and interfering with power lines, as you
10 just stated previously, you may not know visually
11 whether those are primary or secondary distribution
12 lines, correct?

13 A Correct.

14 Q But you may know if they are service drops,
15 correct?

16 A Yes.

17 Q And in the course of preparing your
18 testimony or preparing for being here today, did you
19 have occasion to read the testimony of either Com Ed
20 witnesses Chesley or Kramer?

21 A No.

22 Q So then you would not be familiar with the

1 specifics of Com Ed's vegetation management practices
2 relating to primary and secondary lines?

3 A I am aware of those practices as we were
4 briefed as a City Council by representatives of Com
5 Ed in 2011.

6 Q And what is your memory of what Com Ed's
7 vegetation management practices are?

8 A We were told at two different meetings, I
9 believe one in June of 2011 and one in September of
10 2011, two very standard. In June representatives
11 stated, almost explicitly, that responsibility for
12 maintaining trees and trimming trees on secondary
13 lines and drops to residents was the responsibility
14 of the homeowners. And many of the outages that
15 residents were experiencing, as Com Ed reported to
16 the City, were the responsibility to maintain those
17 trees of the homeowners and it was not Com Ed's
18 responsibility.

19 Later in the year, in
20 September, when they came to the City Council, the
21 story was a little bit different. They didn't
22 indicate a policy change on their behalf, but they

1 did indicate that they were -- that Com Ed was
2 undertaking tree trimming and making significant
3 improvements to the delivery system in Highland Park.

4 Q Did they tell you that Com Ed is on a
5 four-year tree trimming cycle with regard to primary
6 circuits?

7 A I don't recall.

8 Q Do you know whether the Illinois Commerce
9 Commission is aware of Com Ed's vegetation management
10 policies and practices?

11 A I can't speak to what the ICC knows.

12 Q Do you know whether the Commission actually
13 asked Com Ed to engage in a four-year vegetation
14 management program?

15 A I don't know that.

16 Q And do you know whether or not the
17 Commission has responded in any form or fashion to
18 the manner in which Com Ed has maintained its
19 four-year vegetation management program?

20 A No.

21 Q And with regard to the four-year vegetation
22 management program, is it your understanding that at

1 the time trees are cut, for a particular circuit,
2 that there may be certain clearances that are
3 established between the trees and the circuits in
4 question?

5 A I can't speak to that.

6 Q Do you know whether Com Ed is required to
7 maintain that clearance for the entire four-year
8 period between trimmings?

9 A I don't know.

10 Q Now, given your concerns about tree
11 trimming, would Highland Park support a ground to sky
12 tree trimming requirement for primary lines?

13 A I can't speak on behalf of the entire
14 council.

15 Q Okay, fair enough. Now, you testified
16 about the June 21st and July 11th, 2011 summer
17 storms, do you recall that testimony?

18 A Yes.

19 Q And starting at Line 154 of your testimony,
20 which is near the end, if memory serves me correct.

21 A I see it, yes.

22 Q In there you state, and I quote, the

1 extremely long power outages that most of Highland
2 Park suffered with each storm were, and I emphasize,
3 all due to poor tree trimming, defective or
4 insufficient poles and wiring and Com Ed's inability
5 to respond in a timely manner. Do you see that
6 quote?

7 A Yes.

8 Q Does that remain your position today?

9 A I guess.

10 Q On what basis do you claim that Com Ed's
11 poles were defective or insufficient?

12 A I think the duration of the outages
13 following the storms and the number of outages that
14 residents in multiple neighborhoods suffer during
15 non-weather periods speaks to the system itself. And
16 the inability for the utility to understand where
17 exactly the outages were in some instances and the
18 duration of the outages in some instances, I believe,
19 speaks to the system itself.

20 We had some residents that were
21 on the phone with Com Ed, being told, you know, here
22 is the estimated repair time or your service is back

1 on you've been restored and they were in fact not.

2 MR. ROONEY: Your Honor, I move to
3 strike that answer. I asked him what the basis was
4 for him stating that the poles were defective.

5 MS. SATTER: He gave his answer.

6 MR. ROONEY: You know, I'll withdraw the
7 objection.

8 BY MR. ROONEY:

9 Q Mr. -- so I take it, then, that your
10 testimony doesn't rely on Mr. Owens' testimony
11 regarding the poles; is that correct?

12 A Correct.

13 Q During the course of preparing for today's
14 hearing, did you happen to read the rebuttal panel
15 testimony of Mr. William Gannon and Mr. John
16 Mehrtens?

17 A I don't believe so.

18 Q Now, in this testimony they state, and this
19 is at Page 36, Line 805, that during all six storms
20 that comprised the 2011 summer storm systems, there
21 were approximately 12, equipment failure
22 interruptions in total where a pole or pole top

1 extension was coded as equipment at fault. And the
2 action was to replace or repair.

3 Do you have any basis to disagree
4 with that statement?

5 MS. SATTER: I'm going to object. He said
6 he didn't read the testimony so he hasn't
7 investigated it. Hasn't read it.

8 MR. ROONEY: Well, if he hasn't investigated
9 or doesn't know, I just asked him does he have any
10 basis to disagree with that statement.

11 JUDGE DOLAN: I can overrule it. If you can
12 answer it, you can answer it?

13 THE WITNESS: No.

14 BY MR. ROONEY:

15 Q Now, Mr. Frank, during your course of
16 preparing for today's testimony, did you happen to
17 review the direct or rebuttal testimony of Com Ed
18 Witness Piazza?

19 A I'm not certain.

20 Q Let me show you, for the sake of ease of
21 blowing it up here, a chart. And this is an exhibit
22 that's attached to Mr. Piazza's 9.02, it's his

1 rebuttal testimony. These are the maximum wind gusts
2 that occurred on July 11th, 2011. Now, Highland Park
3 is located here, do you see that?

4 A Yes.

5 Q And according to the key, the max wind
6 gusts that occurred during that July 11th storm were
7 somewhere in the vicinity of 70 to 74 miles per hour,
8 do you see that?

9 A Yes.

10 Q Do you have any basis to disagree with
11 that?

12 A I'm not a meteorologist and I have no basis
13 to comment on this chart at all.

14 Q Were you in town when the July 11th storm
15 hit? Given your testimony earlier around Line 54,
16 that the power outages that Highland Park suffered
17 were all due to poor tree trimming, defective or
18 insufficient poles or wiring and Com Ed's inability
19 to respond in a timely manner.

20 I take it, then, that it's your
21 position that the 70 plus mile an hour winds that hit
22 Highland Park area during the July 11th storm were

1 not responsible for a single interruption that took
2 place in Highland Park?

3 MS. YU: Objection, I think what Mr. Rooney
4 just quoted was a mischaracterization of the
5 testimony. The testimony says the extremely long
6 power outages that most of Highland Park suffered et
7 cetera. So I would ask that Mr. Rooney quote the
8 quote accurately.

9 BY MR. ROONEY:

10 Q In your view, then, the 70 mile an hour
11 winds that hit Highland Park on July 1st, had
12 absolutely nothing to do with the -- sorry, I need my
13 glasses. Extremely long power outages that Highland
14 Park suffered as a result of the July 11th storm; is
15 that your testimony?

16 A In my view, certainly weather is going to
17 be a cause of the outages. But it's the inability to
18 get a reasonable restore time that, in my view, is
19 related to the system and the equipment and the poor
20 communication that we witnessed.

21 Q Well, I'm glad you raised that. Highland
22 Park wasn't alone in experiencing that storm on July

1 11th, was it?

2 A No.

3 Q No, in fact, it just, by virtue of this map
4 alone, it shows that the storm started at the far
5 western edges of Com Ed service territory where 70
6 mile an hour winds were experienced out west, 70 mile
7 an hour winds were experienced in Lake County,
8 Winnebago, Boone, so there were a lot of communities
9 that were affected by that storm, wouldn't you agree?

10 A Yes.

11 Q And in fact I saw that you were in the
12 hearing room earlier when there was a discussion that
13 Com Ed experienced more than 5,000 interruptions
14 related to the storm just for the July 11th event
15 alone. Do you have any basis to doubt that?

16 A No.

17 Q So you might understand that there were
18 more than just Highland Park that Com Ed had to
19 respond to and to restore power to the communities,
20 correct?

21 A Yes.

22 Q And similarly, this is also for Mr. Piazza,

1 but I believe this is from his 9.01, this is the max
2 winds on June 21st storm. And again, here is Lake
3 Forest, Highland Park, but this area, again, there
4 were 70 to 79 mile an hour wind gusts that took place
5 during that storm. Do you have any basis to disagree
6 that?

7 A No.

8 Q And again, there are a whole host of
9 communities along the north shore here that
10 experienced large wind gusts, exceeding 60 miles an
11 hour, and then to the west 50 to 59 mile an hour
12 gusts as well, as far west as McHenry County I.

13 MS. SATTER: Your Honor, Mr. Rooney is
14 giving us a nice lesson in meteorology, but I don't
15 hear a question. I think it's appropriate to ask a
16 question but it's not appropriate to restate your
17 witness' testimony at length.

18 MR. ROONEY: And I'm not, my point is that
19 Mr. Frank, who is adopting Mayor Rotering's testimony
20 speaks about the concerns about the poor response.
21 And would he agree that based on, there was a wide
22 swath of storm damage related to the June 21st storm

1 as well some?

2 A Yes. Can I make additional comment in
3 relation to that?

4 Q I'm sure your counsel will ask you a
5 question later to follow up. And with regard to the
6 July 11th storm, and I saw you were here for this
7 testimony as well, this was a strongest storm to pass
8 through Com Ed's territory in 15 years. Do you have
9 any basis to disagree with that statement?

10 A I have no knowledge of the weather history
11 of the Com Ed service area.

12 Q In the course of preparing for the hearing
13 today did you review the surrebuttal testimony of Com
14 Ed witness Ms. Maletich?

15 A No.

16 Q So you are unaware of what she states with
17 regard to Com Ed's restoration efforts after the July
18 11th storm?

19 A I did not review her testimony.

20 Q I would like to give you a hypothetical.
21 You have two customers, first is Old Elm Country Club
22 which I'm sure as you know, is located on the

1 northern border of Highland Park, correct?

2 A Yes.

3 Q Let's say an automobile strikes a utility
4 pole that serves Old Elm Country Club at 10:00 a.m.
5 on a particular morning and the club losses power for
6 two hours only until noon.

7 And we have a second customer, the
8 hypothetical Smith residents located near Lake Cook
9 Road and Green Bay Road which are located in the
10 southeast portion of Highland Park approximately,
11 correct?

12 A Yes.

13 Q And if you look at Google and from my own
14 look, it appears those locations are approximately
15 four miles apart, make sense?

16 A Yes.

17 Q Now, with regard to the Smith residence,
18 let's say a squirrel caused an interruption of power
19 to their residence on the same day starting at 11:00
20 a.m. and that interruption continued. Just to review
21 the bidding, Old Elm Country Club goes from 10:00
22 until noon. The Smiths go from 11:00 until 2:00 in

1 the afternoon.

2 Now, in your opinion -- strike that. Is
3 it your opinion that the smith's family interruption
4 began at 10:00 a.m. when the car struck the pole
5 outside the Old Elm Country Club, under my
6 hypothetical?

7 A You stated the smith family power outage
8 began at 11:00.

9 Q Correct. So it didn't begin -- so from an
10 interruption standpoint, the Smith's experienced
11 their interruption starting at 11:00 a.m.?

12 A That's what you said.

13 MS. SATTER: I'm going to object to this
14 hypothetical because this witness is a fact witness.
15 He testified to his experience in the City of
16 Highland Park. This hypothetical doesn't, other than
17 that he set it in Highland Park, what does this have
18 to do with the experiences that are described in the
19 testimony? It's outside the scope of his testimony
20 and I certainly, to this point, I can't see how it's
21 relevant to this case.

22 (Change of reporters.)

1 (Change of reporters.)

2 MR. ROONEY: With all due respect, it's dead on
3 relevant. If you look at the Q and A starting at
4 Lines 143 and the answer beginning at Line 151, his
5 testimony reflects a completely different idea of the
6 term of "interruption" than ComEd's interruption. So
7 this hypothetical is going to test his view on what
8 an interruption may or may not be.

9 JUDGE DOLAN: I'm going to overrule the
10 objection.

11 BY MR. ROONEY:

12 Q Okay. So going back to my question,
13 Mr. Frank. Given the hypothetical we set out, would
14 you agree that the Smith interruption didn't start at
15 10:00 a.m. when the Old Elm -- but rather when their
16 interruption started at 11:00 a.m.?

17 A You said the Smith interruption began at
18 11:00.

19 Q Right. And conversely, would you agree
20 that the Old Elm Country Club interruption --

21 MS. SATTER: Interruption of service?

22 MR. ROONEY: Interruption of service.

1 BY MR. ROONEY:

2 Q -- didn't end at 3:00 -- excuse me, at
3 2:00 p.m. when the Smith's interruption ended?

4 A I don't recall what you said the country
5 club --

6 Q The hypothetical had their interruption
7 ending at noon, okay. The point is, under that
8 hypothetical, wouldn't you agree with me that those
9 are two separate interruptions of service?

10 A They appear to be two different incidents.

11 Q And so -- let's say during the course of
12 this storm and obviously the storm traveled from east
13 to west on June 21st, 2011, right. If there a
14 residential customer in Mundelein who had power
15 interrupted as a result of a lightening strike, you
16 would agree with me that the storm didn't arrive in
17 Lake Forest for an hour later that this interruption
18 would be unrelated to any interruptions that took
19 place in Lake Forest? I'm sorry, Highland Park, a
20 half-hour later; right?

21 A That's difficult for me to answer. You
22 know, under the hypothetical scenario, you could say

1 that the interruption -- I forgot --

2 Q Mundelein?

3 A Mundelein and the one in Lake Forest or
4 Highland Park could be started by the same giant
5 squirrel.

6 Q Well, actually what I said -- we'll make it
7 more precise. If there is a lightening strike that
8 strikes a transformer behind a residence in Mundelein
9 at 10:30 and then a tree falls across a line and
10 knocks out the Smith's residence -- our hypothetical
11 Smith residence in Highland Park at 11:00 o'clock,
12 those would be two interruptions, wouldn't they?

13 A Apparently.

14 Q I'll try to get you out of here so you can
15 run. I'm almost done. I'd ask you to turn to
16 Line 91 of your -- actually, yeah, Line 91 through
17 96. Take an opportunity to review it and let me know
18 when you're ready.

19 A I'm familiar with it.

20 Q Okay. Great. In particular, there's a
21 sentence that begins, On June 22nd, 2011 we had over
22 20 repair trucks idling in the parking lot of our

1 Jewel Osco grocery store because ComEd Central
2 Management wasn't giving them direction in terms of
3 where to go. Do you see that statement?

4 A Yes.

5 Q On what do you base that statement?

6 A It was based on the fact that there were
7 many trucks brought in, not only from ComEd's fleet
8 but from neighboring utilities who had loaned service
9 crews to ComEd to help our service area recover and
10 they were there for multiple; days but on this day,
11 in particular -- and I believe on subsequent days --
12 I, and others, witnessed them sort of sitting there
13 without direction not knowing where to go while
14 multiple neighborhoods suffered through outages
15 lasting multiple days.

16 Q But that's your opinion of what transpired.
17 You don't know what ComEd management said to those
18 crews or what their directions, were do you?

19 A We know what we were told by residents who
20 contacted ComEd. We know by the fact that
21 neighborhoods were being -- residents were being told
22 what their restore times were or the fact that a crew

1 was dispatched when there was not a crew in their
2 neighborhood.

3 Q But you weren't told specifically; right?
4 This was word of mouth; right?

5 A I did not have conversations with any of
6 the drivers of these trucks.

7 Q Okay. I have one last question for you.
8 This goes Lines 36 to 38.

9 A Okay.

10 Q And it speaks about the fact that residents
11 literally moved across the street because of -- they
12 were on a -- perceived to be on a different grid;
13 correct?

14 A Yes.

15 Q These residents didn't move -- didn't cross
16 the street because the house maybe was a little
17 bigger?

18 A I'm not certain.

19 Q So you don't -- you're not certain if there
20 were any other reasons why they may have moved across
21 the street?

22 A I would describe the character of that

1 neighborhood as relatively modulant (phonetic) in
2 terms of home size.

3 Q But you don't know for certain what caused
4 these residents to move -- resident or residents to
5 move across the street; correct?

6 A Correct.

7 MR. ROONEY: Your Honor, that's all the
8 questions I have for the witness. We can save the
9 discussion of our objection maybe to let Mr. Frank go
10 if there is no redirect.

11 JUDGE DOLAN: Do you have any?

12 MS. SATTER: We might have some redirect if we
13 could take a minute.

14 JUDGE DOLAN: Yeah, okay. Off the record.

15 (Break taken.)

16 MS. YU: We have a couple of questions on
17 redirect.

18 REDIRECT EXAMINATION

19 BY

20 MS. YU:

21 Q Mr. Frank, what is the basis for your
22 statement in your testimony that the trucks you saw

1 were not responding effectively to the outages in
2 Highland Park in the parking lot?

3 A We heard from many residents who suffered
4 multiple day outages that -- in one instance that I
5 saw personally, in my neighborhood, trucks were there
6 for part of a day and then were dispatched elsewhere,
7 were gone, I remember specifically, 3:00 o'clock in
8 the afternoon, but that neighborhood was still
9 suffering through the outage even though the trucks
10 were gone for that part of the day and the trucks in
11 the parking lot, I didn't personally speak to the
12 drivers but other residents did and other members of
13 the city council did and the general response was,
14 We're waiting for orders, We're waiting for
15 direction.

16 Q And how long did you see the trucks
17 idling -- the trucks in the parking lot there?

18 A Well, they were there multiple days.

19 Q Okay. And --

20 MR. ROONEY: Before -- I'm sorry, I move to
21 strike those last couple answers, your Honor. It's
22 hearsay. I mean, earlier in his testimony he said he

1 wasn't there and I was wait to go see where this line
2 of cross -- redirect was going. The answer before
3 was he heard from many residents, he has no personal
4 knowledge of what the drivers knew or didn't know or
5 what they were told.

6 MS. YU: I believe his testimony was that he
7 saw the trucks. He did say earlier that he did not
8 personally speak to any of the drivers of the trucks
9 but he witnessed the trucks.

10 MR. DOLAN: You want to read back his answer.

11 (Record read as requested.)

12 JUDGE DOLAN: I think any part -- I think his
13 personal knowledge can stay, but the parts where he
14 said, We heard from many residents I believe that's
15 hearsay.

16 MS. SATTER: Would that go to the truth then?

17 JUDGE DOLAN: Sure. And then.

18 MR. ROONEY: Well, would it be stricken
19 entirely as hearsay or are you -- as opposed.

20 JUDGE DOLAN: That -- well, I mean, the parts
21 that he's saying he had personal knowledge of --

22 MR. ROONEY: Absolutely.

1 JUDGE DOLAN: -- obviously that can go out, but
2 the rest of it is hearsay.

3 MS. SATTER: Your Honor, my understanding is
4 that he testified to what happened, what he heard,
5 but he's not -- whether that's true or not, that's a
6 hearsay objection. So if we're, you know, not
7 relying on what he heard, then it doesn't violate the
8 hearsay rule. So it would seem --

9 JUDGE DOLAN: Well, that's why I said his
10 part -- where he said he personally saw the trucks
11 leave his neighborhood at 3:00 o'clock, that's fine;
12 but the parts where he's saying, We heard from many
13 residents and then the other part where he was saying
14 that we heard -- we -- I didn't personally speak to
15 the truck drivers, but others did and they said they
16 were waiting -- again, that's a hearsay statement.

17 MS. SATTER: Right. But it's only hearsay if
18 we rely on it for the truth of the matter. So what
19 he heard and what formed his opinion as a city
20 council member is a factual matter; whether or not
21 those comments are true or not is a different matter
22 under the hearsay rule. I would just ask that it

1 not -- the answer not be stricken but understood as a
2 hearsay objection.

3 MR. ROONEY: I don't see the distinction. More
4 importantly, what Miss Satter says conflicts with her
5 earlier objection. She said that he was a fact
6 witness, he's not here as an expert relying on other
7 people's statements and being a city councilman, with
8 you all due respect, is not considered to be an
9 expert for purposes of providing expert opinion.

10 MS. SATTER: I'm not suggesting he's an expert.

11 MR. ROONEY: If it's stricken, it's out, but
12 I'll leave that to you, your Honor.

13 JUDGE DOLAN: Well, like I said, I think,
14 again, I think that -- I mean, if you're not using it
15 for -- to prove his point, what are you using it for
16 then?

17 MS. SATTER: He was informed, he investigated
18 to the extent that he could. He saw these trucks
19 there that were not doing anything during the period
20 of an outage.

21 MR. ROONEY: That's not his testimony. He
22 testified that there were trucks by his house.

1 There's two separate truck discussions we're talking
2 about here.

3 JUDGE DOLAN: Well, that's what I was going to
4 say. His personal knowledge of the trucks in the
5 parking lot is fine; but hearing what people say, the
6 truck sitting in Jewel's parking lot for multiple
7 days and nobody talking are -- they're saying --
8 that's hearsay because he's trying -- he's trying to
9 show that they weren't doing their job and we don't
10 know that.

11 MS. SATTER: Whatever you want. I've stated my
12 objection.

13 BY MS. YU:

14 Q Okay. I have a clarifying question,
15 Mr. Frank.

16 What -- when you talk about the truck
17 leaving your neighborhood and the trucks in the
18 parking lot, which did you personally witness?

19 A I personally witnessed trucks staging in
20 the Jewel Osco parking lot for multiple days and I
21 personally saw trucks at a repair site on South Datto
22 Avenue departing the area at 3:00 o'clock when many

1 of the residents in that part of the neighborhood
2 were still suffering through the outage.

3 Q Okay. Thank you. When you -- on the last
4 page of your testimony where you talk about the
5 extremely long power outages that Highland Park
6 suffered due to a variety of reasons, when you
7 mention in -- their defective or insufficient poles
8 or wiring, when you state that, did you mean poles
9 and wiring sep- -- the poles and the wires as one
10 unit or -- that's the end of my question.

11 Did you mean -- did you mean that the
12 poles and the wiring were separate entities?

13 A As the question was asked, it seemed to me
14 like they were separate, but I think that -- I think
15 of it as the entire system -- the transmission
16 system. For me, it's hard for me to distinguish
17 swish.

18 Q And is there anything else you want to add
19 on your understanding of the conditions of the poles
20 in Highland Park?

21 A I think that it's important to recognize
22 that many of the things that we heard -- that I have

1 been told are also a matter of public record. Many
2 of our residents came to a city council meeting
3 following these multiple day outages with
4 representatives of ComEd there to participate in the
5 discussion and some of the incidents that we are
6 referring to are a matter of public record that
7 occurred at a council meeting.

8 I think it's also important to be
9 aware of the fact that in recognition of some of the
10 maintenance issues in Highland Park, in September
11 ComEd came back to the council and came back to the
12 public and said, We're going to make these
13 improvements and -- for much of the spring and summer
14 this year, we've had trucks in some of the most
15 affected neighborhoods doing a lot of work including
16 pole and line replacement and upgrades.

17 Q Okay. And have you personally seen -- in
18 your testimony you mention overgrown trees on lines.
19 To clarify that, you know, have you personally seen
20 overgrown vegetation on pole to pole lines?

21 MR. ROONEY: Objection. This goes way beyond
22 the scope of my cross-examination.

1 MS. SATTER: You asked about secondary lines
2 and these are --

3 MR. ROONEY: I asked him if he knew the
4 difference between a primary and secondary line.

5 MS. YU: You asked him whether the overgrown
6 vegetation he saw was on primary or secondary lines
7 and he, you know, didn't know, so I'm clarifying the
8 vegetation that he said he saw.

9 Mr. Rooney's question was whether --

10 MR. ROONEY: I'll withdraw the objection.

11 MS. YU: I'll restate the question.

12 BY MS. YU:

13 Q Have you seen overgrown vegetation on lines
14 between poles in Highland Park?

15 A Yes.

16 MS. YU: No further questions.

17 MR. ROONEY: I do have a few redirect -- or
18 recross.

19 RECROSS-EXAMINATION

20 BY

21 MR. ROONEY:

22 Q Let's start with that last question,

1 Mr. Frank.

2 You don't know at what point in the
3 trimming cycle -- the 4-year trimming cycle those
4 lines were; correct?

5 A No.

6 Q When you mentioned the trucks outside your
7 house, you don't know if those trucks were called to
8 a different -- to repair something else, for example,
9 maybe they needed to go help assist a hospital that
10 needed to get repaired; correct?

11 A It's possible, but I'm not aware.

12 Q You have no personal knowledge of why those
13 trucks left in front of your house that day; correct?

14 A We were told by ComEd that the hospital was
15 one of the first sites to get restored.

16 MR. ROONEY: Good. I hope so. Thank you.

17 That's all the questions I have.

18 JUDGE DOLAN: Staff?

19 MR. SAGONE: No.

20 JUDGE DOLAN: Thank you, Mr. Frank.

21 MR. ROONEY: Your Honor, can we go back to the
22 motion to strike on -- the objections to testimony?

1 JUDGE DOLAN: Yes.

2 MR. ROONEY: I'd like to first go to two points
3 first. One relates to the sentence that begins on
4 Line 92 through 94. I think we just went through
5 that discussion.

6 MS. SATTER: Mr. Rooney, I'm sorry, before we
7 get into this Mr. Frank did have another meeting.

8 MR. ROONEY: No, he's excused.

9 JUDGE DOLAN: Yeah, he doesn't have to be here.

10 MS. SATTER: Okay. I just want to make sure.

11 JUDGE DOLAN: No, no, he can take off.

12 MS. SATTER: Okay. I'm sorry.

13 MR. ROONEY: That's why I waited until the end.

14 The sentence on Line 92 through 94, I
15 think, demonstrated that there's no personal
16 knowledge as to what the drivers were told, so we'd
17 ask that that be stricken and then along the same
18 lines, we ask for the sentence that begins on Line 36
19 and runs through Line 38, and the witness had no
20 understanding of what motivated the residents to move
21 or whether there were other factors that were
22 considered. He had no personal knowledge as to those

1 issues, so we'd move to strike both of those
2 sentences based upon hearsay.

3 MS. YU: Can I clarify, was that Line 91 and
4 92, that sentence?

5 MR. ROONEY: Correct. I'm sorry, it was
6 Line 92 through Line 94.

7 MS. YU: I mean, I think the fact that he
8 personally saw these trucks in a parking lot on
9 multiple days -- you know, he didn't specifically
10 talk to the drivers of the trucks to ask why they
11 were sitting there, but I think it goes to his
12 impression that the crews weren't being effective
13 because they were sitting in a parking lot for
14 multiple days and he saw that.

15 MR. ROONEY: The witness had zero specific
16 knowledge as to what their directions were from
17 management and this statement makes an expressed
18 statement because ComEd's Central Management wasn't
19 giving them direction in terms of where to go. He
20 testified he has no knowledge about that.

21 MS. YU: I don't think that in Lines 91 and 92
22 he was saying ComEd didn't give them directions or

1 messages or anything like that. I think he was
2 saying that these crews were not getting to work on
3 restoration effectively.

4 MR. ROONEY: I'm not asking for Lines 91 and
5 92. It's 92 through 94. The sentence that starts in
6 the middle of 92 and goes through 946.

7 MS. YU: I asked if it was 91 and 92 and you
8 confirmed. 92 through 94?

9 MR. ROONEY: Correct.

10 JUDGE DOLAN: So the June 22nd -- starting with
11 on June 22nd, 2011?

12 MR. ROONEY: Yes.

13 MS. YU: I think -- well, first of all, he saw
14 the repair trucks idling in the grocery store. You
15 know, as to ComEd's Central Management not giving the
16 trucks directions, you know, that's his inference
17 from what he saw -- he saw and as he testified on
18 multiple days, but here he's talking about June 22nd.
19 He saw over 20 trucks sitting in a parking lot.

20 JUDGE DOLAN: So we could strike the part that
21 says, Because ComEd Central Management wasn't giving
22 them any direction in terms of where to go? He

1 doesn't -- he has no personal of that.

2 MS. YU: My argument is that that part of the
3 sentence was his inference from what he -- what he
4 saw.

5 JUDGE DOLAN: But that's, again -- that's what
6 he thought was going on, but we don't know if that
7 was what was going on or not and he has no personal
8 knowledge of it; right?

9 MS. YU: It is just based on him having seen
10 the trucks sitting there.

11 JUDGE DOLAN: He did testify that he saw the
12 trucks in the parking lot, which I'm fine with, but
13 the rest of it, we don't know why they -- you know,
14 ComEd's Central Management was giving them directions
15 in terms of where to go, we don't know that for sure.
16 So I'll strike it from that point on.

17 MS. YU: Okay. From which word on?

18 MR. ROONEY: "Because."

19 JUDGE DOLAN: "Because" to the end.

20 And then --

21 MR. ROONEY: It's Lines 36 through 38, your
22 Honor.

1 JUDGE DOLAN: Again, he testified he didn't
2 know why these people moved or we don't even know who
3 or how many or...

4 MS. YU: I mean, it's something that, you know,
5 is -- as he testified to Highland Park having had
6 outage issues for some time several years, it just --
7 residents come to city council, come to the mayor's
8 office and inform them of these things that they knew
9 their neighbors across the street weren't suffering
10 the outages -- you know, the same frequency of
11 outages that they were. So...

12 JUDGE DOLAN: It's such a general statement
13 that it is just really touch to accept because we
14 don't really know who, what, where, why, how many.

15 MS. YU: Well, it's something that, you know,
16 the residents informed the Highland Park government
17 of that they are moving across the street because the
18 neighbors across the street seem to be on a different
19 grid since they're not suffering the same outages.

20 I mean, guess to restate my argument
21 is that this is something that residents bring to
22 Highland Park government.

1 MR. ROONEY: Your Honor, Miss Satter stated
2 this man was here as a fact witness. This is -- he
3 has no personal knowledge of this -- of what those
4 residents were thinking about when they decided to
5 move, if, in fact, they moved at all.

6 JUDGE DOLAN: It is such a general statement
7 that I think I'm going to have to grant -- we're
8 going to strike that. Just those -- 36 through 38.

9 MS. SATTER: And, unfortunately, the mayor was
10 not available, so the person who adopted the
11 testimony did not have the same knowledge of that
12 specific --

13 JUDGE DOLAN: I don't think your case is going
14 to rest on this statement any way.

15 MS. SATTER: Right. I just didn't want you to
16 think when it was put in there it was put in out
17 without any --

18 JUDGE DOLAN: No, I understand.

19 MS. SATTER: -- personal knowledge. I think
20 this is really kind of a transition problem, so we're
21 not -- I'm not making any comment about the --

22 JUDGE DOLAN: I understand. I understand.

1 MS. SATTER: -- motion.

2 MR. ROONEY: And then, your Honor, we -- the
3 cross identified three other instances where we think
4 the testimony should be stricken as not being
5 relevant to this proceeding and that was, in
6 particular, on Lines 20 through 21, there was a
7 discussion of outages completely unrelated to
8 weather, let alone the storms that were at issue in
9 this case and then Lines 40 through 45 that discussed
10 events that had taken place over 18 years preceding
11 the 2011 storms and then starting at Line 133, as the
12 witness noted, that dealt with an event that took
13 place in December of 2011 while after the summer
14 storms that are not part of the proceeding. So based
15 on relevance we would move to strike.

16 MS. YU: I would argue that all three of those
17 areas of his testimony are relevant as they speak
18 very much to the condition of ComEd's system. Not
19 only the condition but the maintenance that ComEd
20 purports -- you know, purportedly does on a regular
21 basis. I think all of that goes to -- goes to
22 testify, you know, as to his experience of the

1 system's condition, the maintenance being done or not
2 done.

3 JUDGE DOLAN: The second one you said was
4 Line 40 through?

5 MR. ROONEY: Lines 40 through 45. It starts
6 off, During the past 18 years.

7 JUDGE DOLAN: Yeah, I got it.

8 MS. YU: I mean, I think it's background that
9 that was, you know, the last 18 years the condition
10 that was before the storm and I think it goes to show
11 the condition and the low level maintenance of
12 Highland Park's distribution system before the storms
13 and his experience of that.

14 JUDGE DOLAN: I'm going to overrule Lines 20
15 and 21.

16 Line 40 through 45, I'm going to
17 sustain.

18 And -- it was Line 133 through what?
19 That whole statement?

20 MR. ROONEY: Yes.

21 MS. YU: The whole statement being through --

22 MR. ROONEY: Line 133 through 142.

1 MS. YU: I'm sorry, I thought the motion was
2 just to strike Lines 133 to the end of that sentence,
3 which I believe is Line 38. As for --

4 MR. ROONEY: It's 142. Again, it speaks to
5 things that happened in December, things that
6 happened in January of this year and things that have
7 absolutely zero to do with the -- even under your
8 theory of the case leading up to the 2011 storms.

9 MS. YU: But the condition of ComEd's system --
10 our argument is that it -- January 24, 2012, this
11 condition from the testimony has persisted from, you
12 know, you struck the 18 years, but has persisted from
13 before the storms to -- continues to persist, you
14 know, over 1,000 residents lost power for 2 hours --
15 not only residents, but schools and water treatment
16 plant, you know --

17 JUDGE DOLAN: That, again, I understand that
18 they're complaining about their system at this point,
19 but it really doesn't have to do with this docket
20 either. So that I'm going to grant also.

21 The other -- like I said, the first
22 statement, I will leave in. So 133 through 142 is

1 stricken.

2 MS. SATTER: Is the basis of your ruling
3 that --

4 JUDGE DOLAN: Irrelevant.

5 MS. SATTER: -- it's irrelevant because the --

6 JUDGE DOLAN: It's a subsequent --

7 MS. SATTER: The continuing --

8 JUDGE DOLAN: Yes.

9 MS. SATTER: -- condition of the --

10 JUDGE DOLAN: Yes.

11 MS. SATTER: -- system, it's not something that
12 you will consider.

13 JUDGE DOLAN: No, not in this situation. Not
14 for whether or not they're entitled to a storm waiver
15 because of this docket. That's not something that
16 I'm supposed to look at in this docket.

17 MS. SATTER: But whether or not the conditions
18 were such that the extent of the damage could have
19 been prevented, you will not consider continuing
20 conditions that might indicate maintenance issues.

21 JUDGE DOLAN: Again, I got to look -- I can't
22 give you a general statement to that, but for

1 relevance purposes, I don't think that that statement
2 here is going to serve any purpose.

3 MS. SATTER: All right. Obviously, we
4 disagree.

5 JUDGE DOLAN: Okay.

6 MR. ROONEY: Thank you, your Honor. That's all
7 the objections.

8 JUDGE DOLAN: All right. Now that we're almost
9 at 2:30 -- let's go off the record for a second.

10 (Discussion off the record.)

11 (Whereupon, a luncheon

12 recess was taken to resume

13 at 3:00 p.m.)

14 JUDGE DOLAN: Ready to go back on the record?

15 Before we start with our next witness, I realize that
16 right as we took a break that we did not admit the
17 mayor's testimony or the adopted testimony that
18 Mr. Frank adopted.

19 MS. SATTER: So we -- I would ask that it be
20 admitted.

21 JUDGE DOLAN: Along with Exhibit 2.1?

22 MS. SATTER: Which is attached to his

1 testimony.

2 MR. ROONEY: And ComEd has no objection subject
3 to the rulings that were made on the motions to
4 strike.

5 JUDGE DOLAN: Okay. That will be admitted into
6 the record.

7 (Whereupon, AG Exhibit
8 Exhibit Nos. 2.0 and 2.1 were
9 admitted into evidence.)

10 JUDGE DOLAN: Okay. So we're ready for our
11 next witnesses, right, this is panel testimony?

12 MS. SCARSELLA: Yes, your Honor. ComEd calls
13 the panel witnesses of Bill Gannon and Jack Mehrtens.

14 JUDGE DOLAN: Okay. Gentlemen, would you
15 please raise your right hand.

16 (Witnesses sworn.)

17 JUDGE DOLAN: Why don't we identify which
18 ones -- so the court reporter knows who is who.

19 MS. SCARSELLA: Sure. Mr. Gannon is sitting at
20 the far end of the table and Mr. Mehrtens is sitting
21 right next to me.

22 WILLIAM GANNON AND JACK MEHRTENS,

1 called as a witness herein, having been first duly
2 sworn, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY

5 MS. SCARSELLA:

6 Q Mr. Gannon, can you state your name for the
7 record spelling your last name.

8 WITNESS GANNON: William J. Gannon,
9 G-a-n-n-o-n.

10 Q Can you state who you're employed by and
11 your business address?

12 WITNESS GANNON: I'm presently employed by
13 Commonwealth Edison. My business address is
14 2 Lincoln Center, Oak Brook Terrace, Illinois 60181.

15 Q And what is your position at ComEd?

16 WITNESS GANNON: Presently, my position at
17 ComEd, I am the direct or of Capacity Planning and
18 Reliability Programs.

19 Q Mr. Mehrtens, can you state your name for
20 the record spelling your last name?

21 WITNESS MEHRTENS: My name is John Mehrtens,
22 M-e-h-r-t-e-n-s.

1 Q And who is your employer and what's your
2 business address?

3 WITNESS MEHRTENS: ComEd. 1500 Franklin
4 Avenue, Libertyville, Illinois 60048.

5 Q And what's your position at ComEd?

6 WITNESS MEHRTENS: Director of North Region
7 Operations.

8 Q Gentlemen, do you have before you a
9 document that's been -- I'm sorry, this is for
10 Docket 11-0588, the summer 2011 storm docket.

11 Do you have before you a document that
12 has been marked for identification purposes ComEd
13 Exhibit 2.0, which is entitled direct panel testimony
14 of William J. Gannon and John Mehrtens?

15 WITNESS GANNON: Yes.

16 WITNESS MEHRTENS: Yes.

17 Q Was that document prepared by you or under
18 your direction and control?

19 WITNESS GANNON: Yes, it was.

20 WITNESS MEHRTENS: Yes, it was.

21 Q Do you have any additions or corrections to
22 that document?

1 WITNESS GANNON: No, I do not.

2 WITNESS MEHRTENS: None.

3 Q If I were to ask you the same questions
4 today as set forth in your direct testimony, would
5 your answers be the same?

6 WITNESS GANNON: Yes.

7 WITNESS MEHRTENS: Yes.

8 Q Also before you marked for identification
9 purposes is ComEd Exhibit 7.0, which is the rebuttal
10 testimony of -- the panel rebuttal testimony of
11 William J. Gannon and John Mehrtens with Attachment
12 7.01.

13 Was this document prepared by you or
14 under your direction and control?

15 WITNESS GANNON: Yes, it was.

16 WITNESS MEHRTENS: Yes.

17 Q Do you have any additions or corrections to
18 that document?

19 WITNESS GANNON: No.

20 WITNESS MEHRTENS: No.

21 Q If I were to ask you the same questions
22 today as set forth in your rebuttal testimony, would

1 your answers be the same?

2 WITNESS GANNON: Yes.

3 WITNESS MEHRTENS: Yes.

4 Q Also before you is a document marked for
5 identification purposes ComEd Exhibit 14.0 revised
6 with Attachment 14.01, which is entitled the panel
7 surrebuttal testimony of William J. Gannon and John
8 Mehrtens.

9 Was this document prepared by you or
10 under your direction and control?

11 WITNESS GANNON: Yes.

12 WITNESS MEHRTENS: Yes.

13 MS. SCARSELLA: And, your Honor, I'm not sure
14 if you were able to print out the revised testimony.
15 We filed it this morning, if you like a copy.

16 JUDGE DOLAN: Yes.

17 BY MS. SCARSELLA:

18 Q I'm sorry, I don't know if I asked you
19 this, was this prepared by you or under your
20 direction and control?

21 WITNESS GANNON: Yes.

22 WITNESS MEHRTENS: Yes.

1 Q Do you have any additions or corrections to
2 your surrebuttal testimony?

3 WITNESS GANNON: No.

4 WITNESS MEHRTENS: No.

5 Q If I were to ask you the same questions
6 today as set forth in your surrebuttal testimony,
7 would your answers be the same?

8 WITNESS GANNON: Yes.

9 WITNESS MEHRTENS: Yes.

10 Q Is the information contained in ComEd
11 Exhibits 2.0, 7.0 and 14.0 revised and their
12 representative attachments true and correct to the
13 best of your knowledge?

14 WITNESS MEHRTENS: Yes.

15 WITNESS GANNON: Yes.

16 MS. SCARSELLA: Your Honor, at this time, we'd
17 like to move into the record ComEd Exhibit 2.0, ComEd
18 Exhibit 7.0 with Attachment 7.01, ComEd Exhibit 14.0
19 revised with Attachment 14.01 in Docket 11-0588.

20 JUDGE DOLAN: Any objections?

21 MS. SATTER: No.

22 MR. HARVEY: None from Staff, your Honor.

1 JUDGE DOLAN: Okay. Then ComEd Exhibit 2.0,
2 7.0, 7.01, 14.0 revised and 14.01 will be admitted
3 into the record.

4 (Whereupon, ComEd Exhibit
5 Nos. 2.0, 7.0, 7.01, 14.0 revised
6 and 14.01 (Gannon/Mehrtens) were
7 admitted into evidence.)

8 (Whereupon, testimony in
9 Docket No. 11-0662 occurred.)

10 BY MS. SCARSELLA:

11 Q For Docket 11-0662, blizzard proceeding,
12 gentlemen do you have before you a document that has
13 been marked for identification purposes ComEd Exhibit
14 2.0, which is entitled the direct panel testimony of
15 William J. Gannon and John Mehrstens?

16 WITNESS GANNON: Yes.

17 WITNESS MEHRTENS: Yes.

18 Q Was this document prepared by you or under
19 your direction and control?

20 WITNESS GANNON: Yes.

21 WITNESS MEHRTENS: Yes.

22 Q Do you ever any additions or corrections to

1 this document?

2 WITNESS GANNON: No.

3 WITNESS MEHRTENS: No.

4 Q If I were to ask you the same questions
5 today as set forth in your direct testimony, would
6 your answers be the same?

7 WITNESS GANNON: Yes.

8 WITNESS MEHRTENS: Yes.

9 Q Also, before you, do you have the -- what
10 has been marked for identification purposes as ComEd
11 Exhibit 7.0, which is entitled the rebuttal testimony
12 of William J. Gannon and John Mehrtens?

13 WITNESS GANNON: Yes.

14 WITNESS MEHRTENS: Yes.

15 Q Was it prepared you or under your direction
16 and control?

17 WITNESS GANNON: Yes.

18 WITNESS MEHRTENS: Yes.

19 Q Do you have any additions or corrections to
20 this document?

21 WITNESS GANNON: No.

22 WITNESS MEHRTENS: No.

1 Q If I were to ask you the same questions as
2 set forth in your rebuttal testimony, would your
3 answers the same?

4 WITNESS GANNON: Yes.

5 WITNESS MEHRTENS: Yes.

6 Q Also before you, you have the -- what's
7 marked for identification purposes ComEd Exhibit 2.0
8 with Attachment -- I'm sorry, 12.0 with Attachment
9 12.01. Was this document prepared by you or under
10 your direction and control?

11 WITNESS MEHRTENS: Yes.

12 WITNESS GANNON: Yes.

13 Q Do you have any additions or corrections to
14 this document?

15 WITNESS GANNON: No.

16 WITNESS MEHRTENS: No.

17 Q If I were to ask you the same questions
18 today as set forth in this document, would your
19 answers the same?

20 WITNESS GANNON: Yes.

21 WITNESS MEHRTENS: Yes.

22 Q Is the information contained in ComEd

1 Exhibits 2.0, 7.0, 12.0 with Attachment 12.01 true
2 and correct to the best of your knowledge?

3 WITNESS MEHRTENS: Yes.

4 WITNESS GANNON: Yes.

5 MS. SCARSELLA: Your Honor, at this time, we'd
6 like to move into admission into the record in
7 11-0662 ComEd Exhibit 2.0, 7.0, 12.0 with Attachment
8 12.01.

9 JUDGE DOLAN: Any objections?

10 MS. SATTER: No.

11 JUDGE DOLAN: All right. Then with that, ComEd
12 Exhibit 2.0, ComEd Exhibit 7.0, ComEd Exhibit 12.0
13 and ComEd Exhibit 12.01 will be admitted into the
14 record.

15 (Whereupon, ComEd Exhibit

16 Nos. 2.0, 7.0, 12.0, 12.01

17 (Gannon/Mehrtens) were

18 admitted into evidence.)

19 (Whereupon, testimony in

20 Docket No. 11-0588 occurred.)

21 MS. SCARSELLA: Mr. Gannon and Mehrstens are
22 available for cross-examination.

1 JUDGE DOLAN: Proceed.

2 MS. SATTER: Thank you.

3 CROSS-EXAMINATION

4 BY

5 MS. SATTER:

6 Q Mr. Gannon, can you tell me how long you've
7 been in your current position?

8 WITNESS GANNON: I've been in my current
9 position since August of 2010.

10 Q 2010? And, Mr. Mehrtens?

11 WITNESS MEHRTENS: Yes.

12 Q How long have you been in your current
13 position?

14 WITNESS MEHRTENS: Since August of 2010.

15 Q And, Mr. Gannon, in your -- prior to your
16 current position, you were manager of reliability
17 programs for ComEd; correct?

18 WITNESS GANNON: That's correct.

19 Q And how long were you in that position?

20 WITNESS GANNON: I was in that position from
21 the beginning of 2008 through August of 2010.

22 Q And as manager of reliability programs for

1 Commonwealth Edison, was it your responsibility to
2 provide the Part 411 reports to the Commerce
3 Commission concerning ComEd's performance?

4 WITNESS GANNON: During my time as reliability
5 manager, no, it was not.

6 Q Is it your responsibility now?

7 WITNESS GANNON: Yes.

8 Q So starting in August of 2010, you took on
9 the responsibility for preparing the Part 411
10 reports; is that correct?

11 WITNESS GANNON: Individuals under my
12 direction, yes.

13 Q And you supervised them, though?

14 WITNESS GANNON: Yes.

15 Q And you are ultimately responsible for that
16 function?

17 WITNESS GANNON: Yes.

18 Q And do you work with Mr. Mehrtens in
19 that -- in that function in gathering the information
20 for the reports?

21 WITNESS GANNON: Not directly, no.

22 Q And, Mr. Mehrtens, are you responsible for

1 any reliability reporting in your position?

2 WITNESS MEHRTENS: No, not externally.

3 Q Just internally?

4 WITNESS MEHRTENS: Internally.

5 Q Now, at Pages 9 and 10 of your direct

6 testimony --

7 MS. SCARSELLA: Miss Satter, will you be

8 primarily working off his 11-0588 testimony.

9 MS. SATTER: Yes. I'll be working off 11-0588,

10 although I understand the content is similar, so I

11 would ask that both dockets use this testimony -- use

12 the cross at least and then, of course, there will be

13 cross referencing for the appropriate lines, but

14 there was a lot of overlap rather than repeat

15 everything, obviously.

16 BY MS. SATTER:

17 Q Now, you say that contact with tree limbs

18 can cause arcing or electrical shorts to ground and

19 that removal of overhead limbs reduces tree contact

20 and issues. Is that a fair statement of your

21 testimony?

22 MS. SCARSELLA: Can you give us line numbers?

1 BY MS. SATTER:

2 Q The top of Page 10, Line 200 you say,
3 Removal of overhanging limbs improves but does not
4 eliminate tree contacts during severe weather; right?

5 And you also say, It is not
6 standard -- you say, Further because it is not
7 standard industry practice for overhead primary
8 conductors typically 72,000 volts to be insulated,
9 contact with tree limbs blown or fallen during a
10 storm can cause arcing -- arcing, a-r-c-i-n-g, or
11 electrical short circuits.

12 Do you see that?

13 WITNESS GANNON: Yes.

14 Q When an insulated wire or conductor is
15 touched by a tree, what happens?

16 I don't know who to ask. I'm sorry,
17 we have two people here?

18 WITNESS MEHRTENS: It depends on what
19 insulation value.

20 Q It depends on the insulation value?

21 WITNESS MEHRTENS: Yes, it does.

22 Q But primary overhead conductors are

1 ordinarily not insulated; is that correct?

2 WITNESS MEHRTENS: On our system, the majority
3 of the overhead wires are not insulated.

4 Q Okay. So would that apply to primary and
5 secondary lines?

6 WITNESS MEHRTENS: No.

7 Q Just primary lines?

8 WITNESS MEHRTENS: Yes.

9 Q So secondary lines are insulated?

10 WITNESS MEHRTENS: Typically, yes.

11 Q So when an uninsulated conductor is touched
12 by a tree, would you expect that to cause an
13 interruption in service?

14 WITNESS MEHRTENS: It could.

15 Q Okay. When you say "arcing or electrical
16 short circuits," could you describe what that is and
17 what affect it has on the provision of service?

18 WITNESS MEHRTENS: Arcing is typically a
19 function of electricity going to some grounded path.

20 Q And what affect does that have on the
21 provision of service?

22 WITNESS MEHRTENS: It could cause permanent or

1 momentary outages.

2 Q Can you explain under what conditions it
3 causes a permanent outage and under what conditions
4 it causes a momentary outage?

5 WITNESS GANNON: Under the circumstances that
6 it resulted in a short circuit that was isolated by a
7 protective device, it would be a permanent
8 interruption versus one where it caused momentary
9 contact with that wire and came clear.

10 Q Would it be accurate to say that if a tree
11 makes contact with a wire, it breaks the flow of
12 electricity for the moment of the break -- the moment
13 of the contact?

14 WITNESS GANNON: It depends.

15 Q Because you said sometimes it goes to a
16 short circuit and sometimes it doesn't. Does that
17 depend on the length of time of the contact whether
18 the break in the flow of electricity is longer or
19 shorter?

20 WITNESS GANNON: It -- it depends on a number
21 of circumstances.

22 Q Okay. Like what?

1 WITNESS GANNON: For what you indicated, the
2 amount of time that that limb is in contact with that
3 conductor.

4 Q So is it the amount of time that the power
5 is actually -- that the flow of power is actually
6 broken?

7 WITNESS GANNON: And, again, it depends. As I
8 indicated, what results in a more permanent
9 interruption is a result not only of the timing but
10 the location on that circuit where that contact is
11 made.

12 WITNESS MEHRTENS: Any foreign object could
13 potentially have an impact on the flow of
14 electricity.

15 Q Okay. Thank you.

16 So when there's an electrical short
17 circuit, then that is a more permanent outage that
18 requires attention to restore; is that correct?

19 WITNESS MEHRTENS: An electrical short circuit
20 can result in loss of electrical power.

21 Q And does it require attention from the
22 operator to restore service?

1 WITNESS MEHRTENS: When you say "operator," can
2 you describe who that is?

3 Q Commonwealth Edison. Does the Company have
4 to do something to restore the power after a short
5 circuit?

6 WITNESS MEHRTENS: Typically, yes.

7 JUDGE DOLAN: Excuse me. The court reporter is
8 having difficulty hearing you.

9 WITNESS MEHRTENS: Oh, I'm sorry. Let me move
10 closer.

11 BY MS. SATTER:

12 Q Okay. So another term that you used in
13 your testimony is the word "fault." Is a fault the
14 same as a short circuit?

15 WITNESS MEHRTENS: Generally speaking.

16 WITNESS GANNON: Could you point to the line
17 where that term is?

18 Q You know, I can as we go through it. I'm
19 asking you more as background. If you like, if you
20 can just define what you mean by the term -- the
21 usage of the word "fault" and if it varies by
22 context, just tell me.

1 WITNESS GANNON: I would agree, the term
2 "fault" is -- could be used as electrical short
3 circuit.

4 Q So is it basically a break in the flow of
5 electricity as well?

6 WITNESS GANNON: Yes.

7 Q And it could be a longer period of time, in
8 which case it would be a short circuit or a shorter
9 period of time, in which case it would be a momentary
10 fault? Is that a fair description?

11 WITNESS GANNON: Yes. Electrically it's --
12 whether it's a momentary fault or a more permanent
13 fault, yes.

14 Q And on -- you also say in your testimony
15 that snow or ice can cause an interruption. Can
16 you -- is that -- can snow and ice cause a fault
17 simply by the weight --

18 WITNESS MEHRTENS: Can you point where we're
19 at. I'm sorry.

20 Q -- on the system?

21 On Page 9, Line 195 through 198, you
22 talk about weather-related causes of outages:

1 Moreover, during certain types of severe weather such
2 as snow, ice or wind storms, other materials may
3 contact components of our system no matter how it is
4 designed, constructed or maintained.

5 My question is, when snow and ice
6 contact the system, do they cause -- can they cause a
7 fault just in and of themselves?

8 WITNESS MEHRTENS: Typically, no. I think what
9 this is referring to is foreign objects contacted new
10 lines.

11 Q Okay. So typically, snow is not sufficient
12 to cause a fault?

13 WITNESS MEHRTENS: No, I didn't say that.

14 Q Okay. I'm asking you that.

15 WITNESS MEHRTENS: Weather conditions can cause
16 interruptions to the overhead line. Many weather
17 conditions can cause interruptions. It really
18 depends upon the type of weather conditions and the
19 circumstances that they occur.

20 Q If snow were to cause a fault, would you
21 expect that to be due to the weight of the snow or
22 due to other factors?

1 WITNESS MEHRTENS: Weight is a possibility.

2 Q And with ice, are there other factors that

3 cause ice to cause faults in the system other than

4 weight?

5 WITNESS MEHRTENS: I'm sorry, I didn't

6 understand the question.

7 Q What does -- how does ice cause a fault on

8 your system?

9 WITNESS MEHRTENS: Ice can cause -- it can --

10 the ice can cause faults in a number of different

11 ways. One of which is weight.

12 Q And what are some of the other ways?

13 WITNESS MEHRTENS: If it's coupled with other

14 weather conditions.

15 Q If it goes from a wet condition to an ice

16 condition, does that present a big -- a threat to

17 your system in terms of causing faults as a result of

18 the damage -- the water turning into ice?

19 WITNESS MEHRTENS: Typically ice is the weight

20 issue.

21 Q It's the weight issue?

22 WITNESS MEHRTENS: Typically.

1 Q Oh, okay. It's not a break issue?

2 WITNESS MEHRTENS: I'm sorry?

3 Q I thought when the water froze, it could

4 stress the conductor some how. Not necessarily?

5 WITNESS MEHRTENS: Temperature has a factor --

6 Q Okay.

7 WITNESS MEHRTENS: -- if that's where you're

8 looking at. Temperature has a factor on our

9 facilities.

10 Q Okay.

11 WITNESS MEHRTENS: Temperature is also one of

12 the things that's utilized to develop the standards.

13 Q And I think you said that while primaries

14 are not insulated, secondary conductors are

15 insulated; is that correct?

16 WITNESS MEHRTENS: Typically, yes.

17 Q And surfaces?

18 WITNESS MEHRTENS: Typically insulated.

19 Q Now, is it your understanding that ComEd

20 does not remove overhead limbs from all primary

21 distribution conductors?

22 WITNESS MEHRTENS: I'm not sure I understand

1 your question.

2 Q Well, does ComEd remove overhead limbs in
3 tree trimming from all of your primary distribution
4 conductors? In other words, you've got your primary
5 conductors out there in the field; right?

6 WITNESS MEHRTENS: Mm-hmm.

7 Q You have tree trimming?

8 WITNESS MEHRTENS: Right.

9 Q When you do the tree trimming, do you
10 remove limbs that overhang the primary line when you
11 do tree trimming?

12 MS. SCARSELLA: I'm going to object. I mean,
13 there are witnesses that ComEd has sponsored that
14 specifically address veg management.

15 MS. SATTER: Well, at Page 10 he says, It is
16 not standard industry practice for overhead primary
17 conductors to be insulated, so contact with tree
18 limbs caused this problem. So -- and he talks at
19 Line 11 about removal of overhanging limbs improves
20 but does not eliminate tree contact. So...

21 JUDGE DOLAN: With that, I'll overrule the
22 objection.

1 MS. SATTER: They talk about it.

2 BY MS. SATTER:

3 Q So do you know whether ComEd removes limbs
4 from primary conductors?

5 WITNESS MEHRTENS: We trim to standards. I'm
6 not an expert on the standards, but we trim our
7 primary to a standard -- an established standard.

8 Q But you don't know what the standard is?

9 WITNESS MEHRTENS: I think Emily could speak to
10 that better than myself. The exact standards -- as I
11 understand it, those standards vary based upon
12 voltage.

13 Q Okay. So if the primary is 7,200 volts,
14 does that help you understand?

15 WITNESS MEHRTENS: I don't know the exact
16 standard.

17 Q Okay. So you don't know whether overhead
18 limbs are removed from -- you don't know whether
19 limbs are removed from above primary distribution
20 conductors that are 2,200 volts?

21 WITNESS MEHRTENS: We do trim our trees to an
22 established standard and the standard describes to --

1 how we trim our trees in relation to the conductors.

2 Q So you can't tell me, though, in practice
3 because you're just relying on the standard as we sit
4 here today?

5 WITNESS MEHRTENS: I prefer to have the
6 standards cited, that is what we trim to.

7 Q So if a limb is not trimmed over a primary
8 circuit, then what you testified here on Page 10,
9 contact with tree limbs blown or fallen during a
10 storm could cause arcing or electrical short
11 circuits; is that right?

12 WITNESS GANNON: I'm sorry, could you repeat
13 the question?

14 Q I said, on those primary circuits where the
15 limbs are not trimmed above the lines, during a storm
16 the limbs could fall and cause arcing or electrical
17 short circuits; isn't that correct?

18 WITNESS GANNON: Are you asking me as a
19 hypothetical?

20 Q Well, you testified to it and you're saying
21 you don't know whether they actually trimmed the
22 lines. So --

1 WITNESS MEHRTENS: I think this what this is
2 saying is that under severe weather conditions,
3 typically high winds, that foreign objects, including
4 trees, can be blown into those conductors thus
5 causing an issue. I think that was the intent when
6 this was written.

7 Q Okay. So you don't really know about --
8 whether there are limbs over the primary conductors
9 or not under actual practice?

10 MS. SCARSELLA: Again, in rebuttal testimony,
11 ComEd brought in specific veg management --
12 vegetation management employees as witnesses here.

13 MS. SATTER: I'm asking these witness who are
14 operations witnesses, but I understand and I
15 understand that and that she is up this afternoon.

16 MS. SCARSELLA: Mm-hmm.

17 BY MS. SATTER:

18 Q So you don't know is the impression I'm
19 getting here?

20 WITNESS MEHRTENS: The question again? I
21 apologize.

22 Q Do you know whether ComEd removes overhead

1 limbs from all of its primary conductors?

2 MS. SCARSELLA: I'm going to object. I think
3 it's been asked and answered.

4 MS. SATTER: He asked me to restate the
5 question.

6 JUDGE DOLAN: I was going to say -- answer if
7 you can, please.

8 WITNESS MEHRTENS: I go back to the same answer
9 that we trim to the standards.

10 BY MS. SATTER:

11 Q And you haven't done any inspection
12 yourself to determine whether these standards are
13 actually being implemented in the field, have you?

14 WITNESS MEHRTENS: No. I typically do not go
15 out and inspect in my current role.

16 Q Is that the same for you Mr. Gannon?

17 WITNESS GANNON: Specifically to vegetation,
18 no, I do not.

19 Q Okay. Okay. Do you know whether ComEd
20 removes overhanging limbs and branches from its 34.5
21 kV circuits?

22 WITNESS MEHRTENS: Are you referencing a

1 portion of the testimony?

2 Q In your testimony at Page 29 -- in your
3 rebuttal testimony in 0588, Page 29, Lines -- the
4 question is on Line 640, the answer starts on line
5 642, you say, During all six storms comprise the
6 summer 2011 storm systems, 34 kV lines accounted for
7 less than 1 percent of the interruptions and less
8 than 10 percent of customers affected.

9 Is that what you say there?

10 MS. SCARSELLA: You know, I haven't even gotten
11 there yet. What were the lines?

12 MS. SATTER: 642 to 643.

13 BY MS. SATTER:

14 Q So your comment less than 1 percent of the
15 interruptions were on 34 kV lines. Are you with me?

16 WITNESS GANNON: Yes.

17 Q So my question to you is, do you know
18 whether ComEd removes overhanging limbs and branches
19 from its 34 kV lines? Do you know?

20 WITNESS GANNON: No.

21 Q Do either of you know? I don't know.

22 WITNESS GANNON: I do not know.

1 Q I'm sorry, I don't know who to ask. Okay.

2 And do you know, Mr. Mehrtens?

3 WITNESS MEHRTENS: We trim to the standards.

4 We trim the overhead 34 to standards.

5 Q But you don't know if that means removing

6 overhead limbs or branches?

7 WITNESS MEHRTENS: That I'm not -- no, I'm not

8 sure.

9 Q Okay. Okay. And you don't know whether --

10 the requirements established by Commonwealth Edison

11 for its 34 kV lines, whether the tree trimming

12 requirements established by ComEd for its 34 kV

13 distribution lines are more or less comprehensive

14 than the tree trimming on its other primary,

15 secondary or service lines, you just don't know?

16 WITNESS GANNON: No.

17 WITNESS MEHRTENS: No, I think Emily is best to

18 answer that one.

19 Q Okay. Now, on Page 17, Line 374 --

20 MS. SCARSELLA: Of rebuttal.

21 MS. SATTER: We'll be in rebuttal until I say

22 otherwise.

1 MS. SCARSELLA: Okay.

2 MS. SATTER: We'll try to stay in rebuttal in
3 0588 and then we'll go to surrebuttal later.

4 MS. SCARSELLA: You said line 374?

5 MS. SATTER: Yes.

6 BY MS. SATTER:

7 Q And you say, ComEd's engineering standard
8 practices provide rules for distribution feeder
9 design and states that all taps are to have fault,
10 isolation device installed. Are you there?

11 WITNESS MEHRTENS: Mm-hmm.

12 WITNESS GANNON: Yes.

13 Q So would you agree with me that it would be
14 difficult to find an unfused tap circuit on ComEd's
15 distribution system?

16 WITNESS MEHRTENS: I think what we're saying
17 here is that as the designers design the system, they
18 utilized these established practices to appropriately
19 fuse taps.

20 Q Okay. And can you describe what a fuse is
21 and what its function is?

22 WITNESS GANNON: It's -- a fuse is an over

1 current device that operates through an isolated
2 fault.

3 Q So when there's an interruption in the flow
4 of electricity, the fuse will stop it from moving
5 down the line to affect others on the line; is that a
6 fair description?

7 WITNESS GANNON: If there's an issue downstream
8 of the fuse, yes, the device -- the over current
9 device will operate given the right electrical
10 circumstances to isolate that portion.

11 Q When you say "downstream," you mean away
12 from the power source?

13 WITNESS GANNON: Correct.

14 Q So would you expect to have unfused tap
15 circuits on ComEd's system given the standard that
16 you discuss in your testimony?

17 WITNESS GANNON: Yes.

18 Q So, in other words, not everything meets
19 the standard; is that correct?

20 WITNESS GANNON: The ESP (phonetic) that's
21 described there?

22 Q The what?

1 WITNESS GANNON: Excuse me. What standard are
2 you referring to?

3 Q The fuse standard that we just described
4 about on Line 374. ComEd Engineering Standard
5 Practices -- capital letters -- provide rules for
6 distribution feeder design and states that all taps
7 are to have fault isolation device installed --
8 excuse me -- to have a fault isolation device
9 installed.

10 WITNESS GANNON: There are appropriate
11 processes in place to identify where we may have
12 issues with unfused taps and further on engineering
13 analysis to determine the application of that
14 engineering standard practice to apply an over
15 current device?

16 Q Okay. So is it that the tap was not fused
17 in violation of the standard in the first instance?

18 WITNESS MEHRTENS: Are you referring to a
19 specific location where there isn't a fuse tap?

20 Q Well, in the event that -- since everything
21 is supposed to be fused, I'm asking if it's not
22 fused, is that a violation of the standard or not?

1 WITNESS MEHRTENS: I guess I'd go back to is
2 there a specific example and we can take a look at
3 that. It's --

4 Q I'm not asking about a specific example
5 though. I mean, we'll get to a specific example.
6 What I'm asking is more generally, if you have a
7 standard that says all -- I don't want to misstate it
8 here -- that the rules for distribution feeder
9 design -- design and state that all taps are to have
10 a fault isolation device installed if there is a
11 distribution feeder without -- or a tap, excuse me --
12 if there is a tap without a fault isolation device,
13 then would you agree with me that that's a violation
14 of the standard?

15 WITNESS GANNON: No.

16 Q And why not? Oh, wait. Let's step back.
17 Before why not, so that means that this standard does
18 not require that all taps be fused or have a fault
19 isolation device?

20 WITNESS GANNON: The standard is a system
21 standard that we have a processes in place for that
22 system standard if there are -- one unfused tap is

1 identified, we have a process in place to rectify it.
2 So the standard is around the system.

3 Q Okay. So if you find an unfused tap, the
4 standard is then to go in and try to rectify that and
5 install some kind of fault interruption device --
6 fault isolation device, excuse me.

7 WITNESS GANNON: Maybe.

8 Q Maybe?

9 WITNESS GANNON: As I indicated earlier, there
10 is an engineering analysis required for what's been
11 identified.

12 Q Now, later in your rebuttal testimony on
13 Page 20, you talk about an area -- Line 445, you say,
14 Mr. Owens is technically correct that the complex is
15 served by a three phase tap that is not fused and
16 then you continue, but he does not mention that the
17 tap is a total of three short spans of wire; is that
18 your testimony?

19 WITNESS MEHRTENS: Yes.

20 Q So then is it okay under ComEd's practice
21 to have a tap without a fuse or other fault isolation
22 device on short spans of wire?

1 WITNESS MEHRTENS: There is a provision that
2 allows the fusing to take -- to be on the equipment
3 that its protecting as opposed to on the main line.

4 Q So where would that be?

5 WITNESS MEHRTENS: Which one?

6 Q If the fusing is not on the tap, where
7 would it be?

8 WITNESS MEHRTENS: The fusing it would -- in
9 this particular case, the fuse was there to protect
10 the piece of equipment, transformers in particular,
11 and the fusing was at the transformer location rather
12 than fuse short spans away.

13 Q Did you notice how many customers were
14 served by this tap?

15 WITNESS MEHRTENS: This short tap was one
16 customer, as I recall.

17 Q Was it like one household or was it a
18 building?

19 WITNESS MEHRTENS: I think it was a building.

20 Q Do you remember how big it was?

21 WITNESS MEHRTENS: I do not.

22 Q Now you also say at Line 451, if the damage

1 was on the tap, the presence of a fuse would not have
2 prevented an interruption.

3 Do you see that?

4 WITNESS MEHRTENS: Mm-hmm.

5 Q So you mean if the damage was on the tap,
6 service provided from that tap would have experienced
7 an interruption?

8 WITNESS MEHRTENS: I think what this gets to is
9 where the protective device is located versus where
10 the fault -- to use the words -- occurs.

11 Q So if the fault occurs on that tap on that
12 particular set of wires and the customer is served
13 from the tap, would they -- would the fuse
14 interrupt -- isolate the interruption?

15 WITNESS MEHRTENS: It really depends upon where
16 the fuse is located and where the fault is located
17 and I'm sorry, I didn't follow exactly what your
18 scenario was.

19 Q If the damage was on the tap wire --

20 WITNESS MEHRTENS: Okay.

21 Q -- going to the customer --

22 WITNESS MEHRTENS: Understood.

1 Q -- is it correct that the service that --
2 the electrical service provided from the tap would
3 have experienced an interruption?

4 WITNESS MEHRTENS: What was the over current or
5 fuse device? It takes two pieces.

6 Q Okay.

7 WITNESS MEHRTENS: In your scenario, I'm not
8 sure where the over current or fuse device is.

9 Q If the tap is not fused, then it's not
10 fused, isn't it? Isn't that the problem?

11 WITNESS MEHRTENS: If the tap is not fused and
12 the -- it would --

13 Q If the tap is not fused, then would there
14 be an interruption in service if there was damage to
15 the tap?

16 WITNESS MEHRTENS: There could potentially be
17 damage to the tap.

18 Q So if there -- assuming there was damage to
19 the tap, let's just say a tree fell right on it --

20 WITNESS MEHRTENS: Okay.

21 Q -- okay. Just put it right out, then
22 service provided from that tap would experience an

1 interruption, isn't that right, because the power
2 coming through --

3 WITNESS MEHRTENS: That's correct.

4 Q -- would be interrupted ed?

5 WITNESS MEHRTENS: The power would be
6 interrupted. If a tree fell across those wires and
7 the wires experienced a fault, yes, that customer
8 downstream of where the tree fell would more than
9 likely see an outage.

10 Q Okay. Now, if a customer is served from
11 the main line circuit to which the tap is
12 connected --

13 WITNESS MEHRTENS: Mm-hmm.

14 Q -- then is it true that damage on the tap
15 would go back through the system to the main line
16 circuit if there's no fuse or other fault isolation
17 device on the tap?

18 WITNESS MEHRTENS: Potentially.

19 Q Now, assuming this is a -- serious damage
20 where the tap is broken, power is not flowing.

21 WITNESS MEHRTENS: Okay.

22 Q Would that affect your decision whether or

1 not this would potentially be an outage down on the
2 main line circuit or actually be an outage on the
3 main line circuit?

4 WITNESS MEHRTENS: If power is not flowing, it
5 would more than likely be an outage.

6 Q It would go back towards a power source?

7 WITNESS MEHRTENS: It would --

8 Q The outage would extend back towards the
9 power source until it hit another fault isolation
10 device?

11 WITNESS MEHRTENS: Correct.

12 Q If there were a fuse or a fault isolation
13 device on the tap before the main line, then that
14 would isolate the outage to just the tap; is that
15 correct?

16 Isn't that the point of the fault
17 isolation device?

18 WITNESS MEHRTENS: The fault isolation device
19 does limit the impact of an interruption.

20 Q Does the -- so in the example that you
21 discuss in your testimony with the senior citizen
22 complex, if there was a fault on the tap circuit and

1 the senior citizen apartment or another building,
2 say, was located upstream on the main feeder, then
3 the service upstream on the main feeder can be
4 affected due to a fault on the tap circuit; correct?

5 WITNESS MEHRTENS: It depends upon whether the
6 section relies on devices or current limiting devices
7 are there.

8 Q If they're there, then it would be
9 isolated; if they weren't there, it would not be;
10 correct?

11 WITNESS MEHRTENS: In --

12 Q I said, if there are fault isolating
13 devices, then the outage would be contained; if there
14 were not fault isolating devices, the outage would
15 move upstream?

16 WITNESS MEHRTENS: Potentially depending on the
17 type of fault that occurred.

18 Q Depending on how -- whether -- if it's a
19 momentary contact, is that the variable that you are
20 talking about?

21 WITNESS MEHRTENS: It's one of them, yes.

22 Q Now, again, in your rebuttal testimony at

1 Page 21, Line 458 you say, having an arc interrupting
2 means like a switch -- like a switch gear built into
3 every disconnect cutout power fuse or dropout
4 recloser on ComEd's overhead distribution system is
5 unnecessary and cost prohibitive.

6 Can you tell me how many disconnects,
7 cutouts, power fuses and dropout reclosers ComEd has
8 on its distribution system?

9 WITNESS MEHRTENS: I do not know that number.

10 Q Do you know whether it's more than 360,000?

11 WITNESS MEHRTENS: I'm sorry, I do not know.

12 Q Do you know the order of magnitude, whether
13 it's 100, 1,000, 100,000, 300,00, you have no idea?

14 WITNESS MEHRTENS: I don't want to speculate.
15 It's not something that I know on a day to day basis.

16 Q Do you recall ComEd's response to AG Data
17 Request 4.20 which requested that ComEd provide the
18 total number of single phased hook stick operated
19 disconnect switches that are installed in three
20 phrase arrays throughout ComEd's 4 kV and 12 kV
21 distribution circuits?

22 WITNESS MEHRTENS: Which data request?

1 Q AG 4.20. I can show you a copy.

2 WITNESS MEHRTENS: AG 4.20.

3 Q Let me make it a little easier.

4 WITNESS MEHRTENS: I have it.

5 WITNESS GANNON: I have it.

6 WITNESS MEHRTENS: We have it.

7 Q Do you have it?

8 WITNESS GANNON: Yes.

9 WITNESS MEHRTENS: Yes.

10 Q So would you agree with me that ComEd has

11 over 360,000 single phase disconnect devices designed

12 to be operated using a hook stick device installed on

13 4 kV or 12 kV distribution circuits?

14 WITNESS MEHRTENS: Yes, that's what the data

15 request says.

16 Q And do you have any reason to doubt that?

17 WITNESS MEHRTENS: No.

18 WITNESS GANNON: No.

19 Q Okay. And does the response also say that

20 these circuits typically contain portions that are

21 one phase, two phrase and three phase?

22 WITNESS GANNON: Yes.

1 WITNESS MEHRTENS: Yes.

2 Q Do you recall how many disconnect devices
3 Mr. Owens recommended be added to ComEd's 4 kV and
4 12 kV distribution systems?

5 WITNESS MEHRTENS: Could you direct us to his
6 testimony where he makes that statement?

7 Q Well, I'm just asking you, do you recall
8 how many gang operated air brake switches he asked --
9 he suggested be installed?

10 WITNESS GANNON: I don't recall.

11 Q Okay. Now, at Line 471 on the same page,
12 you say, Mr. Owens criticizes use of single phased
13 switches and you go on to say, Having single phase
14 switching capabilities provides restoration benefits
15 by enabling individual phases to be restored as they
16 are cleared of faults rather than having to wait for
17 all three phases to be cleared of faults.

18 So my question to you is, does ComEd
19 close one phase of a three phase circuit while the
20 other two phases are still open or are still being
21 repaired?

22 WITNESS MEHRTENS: The reason that -- one of

1 the main reasons that we use single phase switches is
2 that, from our perspective, it expedites the
3 restoration of customers. There are many instances
4 where a single phase wire is down and the other two
5 phases can be energized. There are certain
6 circumstances when that can and cannot happen, but
7 the primary goal is to restore customers and we feel
8 this helps us facilitate that.

9 (Change of reporters.)

10 Q Would you use a -- would you restore one
11 phase of a three phase circuit, if the other two
12 phases are subject to an interruption or are damaged?

13 WITNESS MEHRTENS: It really depends. We
14 would not arbitrarily close fuses without
15 understanding, first of all, the safety impact. And
16 second of all, the customer load beyond that fuse?

17 Q So if two phases are under repair, would
18 you close the third?

19 WITNESS MEHRTENS: Again, I go back again.
20 If I was being evasive, I apologize, but it's really
21 dependent upon the circumstances to which that
22 happens.

1 Q Okay, let's say two of the phases are being
2 cleared by tree trimming. Would that be a situation
3 where you would want to restore them one at a time?

4 WITNESS MEHRTENS: I don't think that
5 would be a situation we would encounter, two phases
6 being cleared by tree trimming and the third not.

7 Q So you would expect that if it were a tree
8 restoration situation, you would restore -- would you
9 wait until all three phases are repaired until you
10 restore service?

11 WITNESS GANNON: It depends. The example
12 Jack was referring to is where you would have a three
13 phase portion of the circuit and there was trimming
14 necessary, there were other circumstances where it
15 would not be necessary to clear all three phases to
16 maintain safety clearance for tree trimming being
17 done.

18 Q So that means that you would be willing to
19 energize one circuit while work was being done on two
20 other circuits?

21 WITNESS MEHRTENS: We have very, very
22 specific rules and regulations by which we can live

1 up circuits once they've been deenergized for
2 whatever reason. And most of the rules revolve
3 around the safety of the general public, the safety
4 of the workers. And then secondarily, what load is
5 beyond that. Livening up one phase as opposed to all
6 three phases can have an impact on customer load. So
7 the answer to your question is extremely broad.

8 Q So there can be situations where it would
9 be dangerous to energize one circuit when two other
10 circuits are damaged?

11 WITNESS MEHRTENS: I would say we would have
12 to evaluate the situation based upon the conditions.
13 And there are many different reasons why we either
14 would or would not liven up a circuit outside of its
15 normal configuration, meaning all three phases at
16 once. And I don't know if I can -- if you give me
17 some very specifics, I can probably give you an
18 answer.

19 Q Okay, if there were -- if a tree limb fell
20 on a circuit, would you expect to be able to restore
21 each phase separately?

22 WITNESS MEHRTENS: I hate to sound like I'm

1 going to ask you another question, but it's not
2 always as clear cut as a yes or a no. It really
3 depends upon the situation. Livening up circuits
4 after something has happened to them is something
5 that we evaluate on a case-by-case basis, that's what
6 the people that restore those services are trained in
7 evaluating.

8 And just to say that yes, we would
9 or no, we wouldn't, would be an unfair
10 characterization of how we operate the system.

11 Q When you use a single phase switch to
12 adjust one phase at a time, do you have to balance
13 the other -- the load on the other two phases as you
14 restore service?

WITNESS MEHRTENS:

15 That goes back to what I said before, is that, you
16 know, when we restore something we take a look at
17 what is down the stream. If we forget the safety
18 aspect of it, the work practice piece of it, what's
19 the load down there. Are there three phase
20 customers? Are there single phase customers? What's
21 the protective devices downstream of what happened.

22 All these things are evaluated and then

1 a decision is made on how to restore the system.

2 There are --

3 Q Do you have to balance the energy flow with
4 the three phases when you have three phase circuits?

5 WITNESS MEHRTENS: In a normal
6 configuration?

7 Q Yeah, in a normal configuration.

8 WITNESS MEHRTENS: Normal configuration.
9 The engineers and designers take a look at what the
10 energy flow is and make appropriate designs,
11 modifications, actions to insure that we have
12 balanced the current.

13 Q Are you an engineer?

14 WITNESS MEHRTENS: Yes, I am.

15 Q And are you an engineer as well, Mr.
16 Gannon?

WITNESS GANNON: Yes.

17 Q But in this case you are deferring to other
18 engineers --

19 WITNESS MEHRTENS: Well, I guess I was
20 asking for the specifics of your question. If you
21 could restate the question.

22 Q I asked you if you had to balance it and

1 you said well, it depends on this, that and the other
2 and that depends on the engineers so that's okay, I
3 got an answer. I don't need to restate the question.

4 MS. SCARSELLA: I think they are being very
5 clear in their responses.

6 MS. SATTER: I don't want to restate the
7 question, I'm satisfied with the answer.

8 MS. SCARSELLA: I understand, but I think
9 you are mischaracterizing their responses. I think
10 they are being quite honest with you that they need
11 more information to answer your question.

12 MS. SATTER: I'm finished. I asked the
13 question, and I got an answer and I understand it. I
14 was just --

15 JUDGE DOLAN: Counsel, let's go ahead
16 and move on.

17

18 BY MS. SATTER:

19 Q Now, I would like to ask you some questions
20 in your surrebuttal. Actually, before we do that,
21 before we do that, let's stay in your rebuttal for
22 just a moment. Can you look at Com Ed Exhibit 7.01.

1 Are you there?

2 WITNESS MEHRTENS: Yes.

3 Q And this exhibit includes some, it looks
4 like engineer specifications; is that right?

5 WITNESS GANNON: Yes.

6 Q And the purpose of this exhibit was to
7 compute the effect of wind on a typical Com Ed three
8 phase distribution pole; is that right?

9 WITNESS GANNON: Yes.

10 Q So in putting together this exhibit, you
11 intended it to exhibit a typical three phase
12 distribution pole on the Com Ed system; is that
13 correct?

14 WITNESS MEHRTENS: It's a pole that could
15 exist on the system. I don't know that I would go so
16 far as to characterize it as typical, but it is a
17 pole.

18 Q Well, you would agree with me that on --
19 the caption, the heading of the exhibit, calls it a
20 typical Com Ed three phase distribution pole; isn't
21 that right? WITNESS MEHRTENS: It's got an
22 arm and a pole and braces, correct.

1 Q But the description in the header --

2 WITNESS MEHRTENS: I would agree.

3 Q And the purpose of this exhibit was to
4 establish the 60 mile an hour wind speed as a
5 dangerous wind speed for Com Ed's system; is that
6 right?

7 WITNESS MEHRTENS: I think that's what it
8 extrapolated to, but at the end of the day this
9 calculation provides the moments and the loadings
10 that this pole can sustain?

11 Q And what was the purpose of providing this
12 in the first place?

13 WITNESS MEHRTENS: I think a couple of
14 reasons. One, it provides the basis by which the
15 designers and engineers insure that the facilities,
16 specifically in this case a pole, meet the required
17 standards.

18 Q Com Ed's required construction standards?

19 WITNESS MEHRTENS: Correct.

20 Q Do you know how many poles there are in the
21 Com Ed system? Is it like 1.37 million?

22 WITNESS GANNON: Approximately 1.4 million.

1 Q And do you know how many of those poles are
2 consistent with your Com Ed Exhibit 7.01 or what
3 percentage?

4 WITNESS MEHRTENS: You mean look exactly
5 like this one?

6 Q That fall within the general standard, in
7 other words --

8 WITNESS MEHRTENS: Generally speaking, poles
9 have -- would have a wood structure, a vertical wood
10 structure and an arm.

11 Q So this pole is 34 feet above ground. Has
12 a top diameter of 6.69 inches. There are assumptions
13 in the first paragraph, a minimum circumference of --
14 I'm sorry, a 40-foot Class 4 southern yellow pine
15 pole. Do you know how many 40-foot Class 4 southern
16 yellow pine poles there are in your system?

17 WITNESS MEHRTENS: No, couldn't even venture
18 a guess.

19 Q Do you know how many Class 2 southern
20 yellow pine poles there are in your system?

21 WITNESS MEHRTENS: (Shaking head side to
22 side.)

1 Q Okay turning to your surrebuttal. Starting
2 at Page 8 and going through Page 10, you talk about
3 grounding practices; is that right?

4 WITNESS MEHRTENS: Um-hmm.

5 Q And specifically you state at Line 209
6 that -- starting at 208, newly available metal oxide
7 varistor MOV-type surge resistors on all phases was
8 more reliable and more cost effective than a static
9 line design. Do you see that?

10 WITNESS MEHRTENS: Um-hmm.

11 WITNESS GANNON: Yes.

12 Q First, let me ask you, a surgery arrestor,
13 is that the same as a lightening arrestor?

14 WITNESS MEHRTENS: We use those terms
15 similarly?

16 Q You use them interchangeably?

17 WITNESS MEHRTENS: Yes.

18 Q And what is the function of a surge or
19 lightening arrestor?

20 WITNESS GANNON: The function of the
21 lightening arrestor?

22 Q Yes.

1 WITNESS GANNON: Function of a lightening
2 arrestor is to operate to take energy off the -- the
3 excessive energy off the system.

4 Q And that usually -- that excess energy
5 comes from lightening, is that ordinarily the case?

6 WITNESS GANNON: That's one example.

7 Q Is that the primary example? Is that the
8 primary purpose of --

9 WITNESS GANNON: There are other instances.

10 Q Okay, what other instances would they draw
11 excess energy off?

12 WITNESS GANNON: You could have transient
13 voltages from switching operations, from cap bank
14 operations -- capacitor bank operations on the
15 system.

16 Q So there could be some internally generated
17 excess energy, as well as some externally generated
18 excess energy from lightening or storms?

19 WITNESS GANNON: Yes.

20 Q And a lightening or surge arrestor is
21 designed to handle both of those situations?

22 WITNESS GANNON: Yes.

1 Q Now, can you tell me under what conditions
2 a surge or lightening arrestor becomes inoperable?

3 WITNESS MEHRTENS: It's pretty much
4 based upon the ratings of the lightening arrestor
5 itself.

6 Q So if it encounters more energy than the
7 rating indicates it can handle, then it will become
8 inoperable; is that fair?

9 WITNESS MEHRTENS: Lightning arrestors are
10 not designed to handle every single lightning
11 strike. Lightning strikes can come in many
12 different forms. Direct lightning strikes can
13 destroy the equipment itself. Indirect lightning
14 strikes are another way to -- another type of
15 lightening strike. So arrestors are there to address
16 certain types of lightning strikes.

17 Q So if it's more energy than the arrestor is
18 rated for, then do people say then the arrestor gets
19 blown?

 WITNESS MEHRTENS: I guess that
20 would be a fair characterization.

21 Q And when you say that's a blown arrestor,
22 that means that the arrestor is no longer functional?

1 WITNESS MEHRTENS: That the arrestor
2 is no longer functional.

3 Q That's correct?

4 WITNESS MEHRTENS: Um-hmm.

5 Q Isn't there like a wire that the arrestor
6 is attached to the ground?

7 WITNESS MEHRTENS: Correct.

8 Q So when it's blown, that wire is no longer
9 attached to the ground, is that one indication that
10 they've blown?

11 WITNESS MEHRTENS: Could be one indication.
12 It always does not have to happen like that, but that
13 could be one indication.

14 Q But if you see a loose wire from an
15 arrestor does it mean that it could no longer ground
16 the energy that might come through?

17 WITNESS MEHRTENS: Yes.

18 Q Does an arrestor become blown as a result
19 of doing its job and redirecting the excess energy?

20 WITNESS MEHRTENS: It can.

21 Q Can you tell me the difference between a
22 static shield and a surge arrestor?

1 WITNESS GANNON: You mean static wire?

2 Q Yes. Static wire, is that what you refer
3 to it as? Static wire, I'm sorry. You use the term
4 static shield wire, is that the same? So what is the
5 difference between a static shield wire and a surge
6 arrestor?

7 WITNESS GANNON: Well, the static shield wire
8 is above the conductors and would take, in the case
9 of a lightening strike that caused a transient
10 voltage, would take that energy.

11 Q Is it like a little tent thing above the
12 wire? WITNESS GANNON: That's a fair
13 characterization.

14 Q I'm just trying to get a picture. And the
15 arrestor, is that more like a round -- what is the
16 arrestor?

17 WITNESS GANNON: The arrestor is a device
18 attached to the primary conductor and -- each of the
19 primary conductors and the other end to a ground.

20 Q What do you think is more likely to occur,
21 that a lightening or surge arrestor fails due to
22 lightening strike or that a static shield wire fails

1 due to a lightening strike, assuming all else equal?

2 WITNESS MEHRTENS: It's a very difficult
3 question to answer. I don't know if we can answer --
4 I can't answer that question.

5 Q So one is not more likely to fail than the
6 other as a result of a lightening strike of the same
7 magnitude?

8 WITNESS MEHRTENS: I think it depends upon
9 the type of lightening strike, the magnitude of the
10 lightening strike itself, duration of the lightening
11 strike, all that plays into any equipment failure.

12 Q So if they're rated the same and the energy
13 is above the rating for both, would they fail at the
14 same rate?

15 WITNESS MEHRTENS: Each one of them may have
16 different ratings. If you are comparing the static
17 wire to an arrestor and they all don't have the same
18 rating, so it goes back to the lightening strike that
19 you reference as to whether any of them will, as you
20 would say, fail.

21 Q Will they automatically fail if the -- if
22 the lightening strike is -- has more energy than the

1 rating, does it automatically fail or does it just
2 maybe fail? WITNESS MEHRTENS: The intent of
3 it, both of them, specifically the arrestor, is to
4 drain off excessive current.

5 Q And then after it drains off that excessive
6 current does it blow then?

7 WITNESS MEHRTENS: No, it doesn't necessarily
8 have to fail.

9 Q So long as it is connected to the ground,
10 it will continue to operate and hopefully deflect
11 more energy to come?

12 WITNESS MEHRTENS: Correct.

13 Q And that's true for both a surge arrestor
14 and a static shield wire?

15 WITNESS MEHRTENS: Um-hmm.

16 Q Now, do you know how many surge arrestors
17 are blown each year on your system?

18 WITNESS MEHRTENS: Not off the top of my
19 head, no.

20 Q Do you know how many are replaced each
21 year? WITNESS GANNON: Yes.

22 Q How many are replaced each year?

1 WITNESS GANNON: I would have to refer to the
2 data request for the exact number.

3 Q 6.37 might be the one. Just as an aside,
4 this one was of the data request responses we had put
5 in the package.

6 MR. RIPPIE: I thought they were all in
7 the 6th set, if that helps. I'm sorry, I thought you
8 said 4, never mind.

9 BY MS. SATTER:

10 Q So does the response to AG Data Request
11 6.37 indicate how many are identified as blown
12 arrestors and how many are replaced?

13 WITNESS GANNON: Yes, in B it indicates how
14 many are identified in calendar years 2009 through
15 '11 and 2012 through March. And how many of those
16 were completed or how many were complete.

17 Q So in each of those -- well, can we go off
18 the record for just a second for purposes of deciding
19 should we mark this separately or just leave it in
20 the package?

21 MR. RIPPIE: Why don't we mark it.

22 MS. SATTER: Then let me mark this as AG

1 Cross Exhibit 4. I would just like to offer AG Cross
2 Exhibit 4 as an exhibit.

3 BY MS. SATTER:

4 Q Unfortunately I don't have the copies, I
5 don't want to take the time to pull the copies now,
6 so if you have the exhibit in front of you or if you
7 have the response in front of you, is it correct that
8 in 2009 Commonwealth Edison identified 2,498 blown
9 arrestors and repaired 1,204?

10 WITNESS GANNON: Yes.

11 Q And in 2010 you identified 2,521 arrestors
12 as blown but completed corrective maintenance on
13 2,406? WITNESS GANNON: Correct.

14 Q And in 2011, you identified 2,512 that were
15 what we'll call blown arrestors and completed repairs
16 on 1,620; is that correct?

17 WITNESS GANNON: You said 2011, is that
18 correct?

19 Q Yes.

20 WITNESS GANNON: Yes.

21 Q And do you agree that when an arrestor is
22 blown, it can no longer perform its function to

1 handle the excess energy that it's designed to
2 handle?

3 A I agree that an individual arrestor -- an
4 individual arrestor, if it's blown, will not
5 function.

6 Q And so facilities that had formerly been
7 protected by that arrestor are no longer protected in
8 the same way?

9 WITNESS MEHRTENS: From an electrical
10 standpoint an arrestor operate more on a system. So
11 our standard is to have arrestor on a 12 kV every 600
12 feet. And really dependent upon where the lightening
13 strikes, if we are still referring to lightening
14 strikes, would determine whether or not that system
15 of arrestor could perform it's function.

16 Q So it depends on the entire system, is that
17 a fair characterization?

18 WITNESS MEHRTENS: We typically look at
19 things as a system.

20 Q Now, I'm going to ask you some questions
21 about your inspections of circuits. On Page 7 you
22 state that --

1 WITNESS GANNON: Page 7 of the surrebuttal?

2 Q We're still in the surrebuttal. The
3 routine distribution circuit inspection maintenance
4 program. And you say -- this is Page 7, Line 132.

5 WITNESS GANNON: 132?

6 Q Yeah. Essentially you say you have a
7 routine inspection and maintenance program whereby 34
8 kV circuits are inspected on a two-year cycle and 4
9 kV or 12 kV circuits are inspected on a four-year
10 cycle; is that correct?

11 WITNESS GANNON: Yes.

12 Q And these are visual inspections, correct?

13 WITNESS GANNON: There are visual as
14 well as operating inspections that are done.

15 Q If I can draw your attention to the
16 response to AG Data Request 6.29 and let me know when
17 you're there. WITNESS GANNON: Yes.

18 Q And does that -- does that attachment say,
19 Com Ed Process Overhead Distribution Circuit
20 Inspection and Maintenance?

21 WITNESS GANNON: Yes.

22 Q And does that -- is the purpose of this

1 process to outline the inspection for 4 and 12 kV
2 overhead circuits?

3 WITNESS GANNON: Yes.

4 Q And on the next page, Page 2 of 13, under
5 definitions, do those definitions include an all
6 inclusive inspection, which is a visual inspection?

7 A Yes.

8 Q And No. 3, height impact primary
9 inspection, also a visual inspection?

10 WITNESS GANNON: Yes.

11 Q And are those the inspections you are
12 talking about here in your testimony on Page 7 of
13 your surrebuttal, the two and four-year cycle
14 inspections?

15 WITNESS GANNON: Yes.

16 Q And do you know how many circuit miles
17 there are? You reported that in the --

18 WITNESS GANNON: Overhead circuit miles?

19 Q Because that would be subject to this

20 policy WITNESS GANNON: Sitting here, you
21 know, I don't recall.

22 Q Would you accept, subject to check, that

1 that is reported in the Part 411 reports that you
2 submit to the Commission?

3 WITNESS GANNON: Yes.

4 Q Do you know how many miles of circuits need
5 to be inspected each year under this policy?

6 WITNESS GANNON: No, not exactly.

7 Q But you would expect it to be the miles of
8 circuits divided by four?

9 WITNESS GANNON: No, there are two different
10 for the voltage, so that's why I couldn't answer in
11 detail. I need to know the miles of 34 overhead by
12 approximately half and 4 and 12 by approximately a
13 quarter.

14 Q By approximately a fourth?

15 WITNESS GANNON: Yes.

16 Q Okay, thank you. Does the Company also
17 inspect distribution poles when it inspects the
18 overhead circuits?

19 WITNESS GANNON: Yes.

20 Q And so that's the same visual inspection?

21 WITNESS GANNON: There is a visual
22 inspection when we inspect the circuits or the poles.

1 Q And so are the -- so the poles are also
2 inspected on this two and four-year cycle that you
3 just described for circuits?

4 WITNESS GANNON: Yes.

5 Q And I think we talked about there are about
6 1.4 million poles; is that right?

7 A Yes.

8 Q And do you know how many poles are
9 inspected every year through this inspection process?

10 WITNESS GANNON: Not specifically.

11 Q Do you know how many poles a Com Ed worker
12 is expected to observe or visually inspect per day,
13 per week, per month, in any unit?

14 WITNESS GANNON: I just don't have that
15 information.

16 Q In your testimony on Page 12 of
17 surrebuttal, starting at Line 264 through Line 270,
18 you criticize the loading analysis conducted by Mr.
19 Owens, do you see that?

20 WITNESS GANNON: Starting at 264?

21 Q That's where the question is.

22 WITNESS GANNON: Yes.

1 Q Now, first of all, which is larger, a class
2 two pole or a class four pole?

3 WITNESS MEHRTENS: Class two.

4 Q Class two is larger?

5 WITNESS MEHRTENS: Wider. It doesn't
6 necessarily have to be tall.

7 Q So the diameter is greater; is that
8 correct?

9 WITNESS MEHRTENS: That's correct.

10 Q And you say in your testimony it appeared
11 Mr. Owens downgraded Class 2 poles to Class 4 poles.
12 And isn't it correct that in your Exhibit 7.01 that
13 we talked about previously, that you identified and
14 labeled as a typical pole, you used a Class 4
15 southern yellow pine pole; is that right?

16 WITNESS MEHRTENS: It identified a Class 4
17 pole in that exhibit, that's true.

18 Q And that's the less wide pole?

19 WITNESS MEHRTENS: That's correct.

20 Q So there would be more strain on a pole in
21 a wind situation, is that right, because it's a
22 thinner pole, less wide pole than Class 2? Is that

1 right or wrong? WITNESS GANNON: It depends
2 on other circumstances beyond just the class of the
3 pole.

4 Q It depends on all the loading on it; is
5 that right?

6 WITNESS MEHRTENS: The three pages of
7 calculations determine the loading.

8 Q Let me show you what we're going to mark as
9 AG -- I'm going to show you the response to ICC
10 inquiry regarding the July 11th, 2010 storm OUT 1.03,
11 Attach 1. And I'm marking that as Cross Exhibit 6.
12 And this document was produced by the Company, right,
13 in response to an ICC data request? And would you
14 agree with me that in describing this document, you
15 call it wind velocity --

16 WITNESS MEHRTENS: Is this the same one
17 that's in our book?

18 MS. SCARSELLA: It is, yes.

19 BY MS. SATTER:

20 Q It should be OUT 1.03, under score, Attach
21 1. And if you will look at the response to that data
22 request, written response on Page 6, do you agree

1 with me that this is intended to represent a typical
2 newly installed pole?

3 MS. SCARSELLA: Excuse me, Ms. Satter? I

4 think they are trying to find the response because

5 you only included the response to the actual data

6 request with it.

MS. SATTER: I'm trying to

7 move quickly, but I'm sorry, I need to give you time

8 to catch up.

9 BY MS. SATTER:

10 Q So my question is, does this response

11 represent a Class 2 southern yellow pine pole in the

12 first paragraph under assumptions?

13 WITNESS MEHRTENS: That's what the

14 assumptions say.

15 Q And on Page 6 of the response it talks

16 about the calculation in the Attachment 1, Page 6.

17 That would be CSW Resources 1.

18 JUDGE DOLAN: Is that a different

19 document that you are talking about?

20 MS. SATTER: It's the same data request.

21 JUDGE DOLAN: Mine has 341 and 344 and

22 you just said 361.

1 MS. SATTER: I'm referring to something that
2 is not a cross exhibit.

3 MS. SCARSELLA: I would like to add, if you
4 intend to move this into the record we would like the
5 full response.

6 MS. SATTER: There is so much in this
7 response that is not related to my question, that I
8 just want to ask you whether, in presenting this
9 calculation, it was meant to be the equivalent design
10 wind speed on a pole of a 4 PSF wind at 0 degrees F
11 and half inch of ice, including the NES structure
12 design requirements for overload and strength for a
13 typical newly installed pole.

14 MS. SCARSELLA: I'm going to have to object,
15 because this attachment was provided in response to
16 Subpart E, I believe, of the data request and there
17 is further explanation in there. And I think in
18 fairness we need the data request response that this
19 belongs to with it.

20 MS. SATTER: Well, I'm only offering the
21 attachment, along with the explanation that it's a
22 typical newly installed pole. If there is something

1 relevant within that, that's the scope of my
2 question.

3 JUDGE DOLAN: The scope of your question
4 is whether it's a new pole or not?

5 MS. SATTER: Yeah. If it's meant to
6 represent a typical newly installed pole.

7 MS. SCARSELLA: Your Honor, again, I think
8 this is an argument that the AG has made in other
9 proceedings, that it's unfair to have just a portion
10 of data request response in the record. For
11 completeness purposes, you need the full response.
12 And to say that she's only concerned about the
13 attachment is completely unfair.

14 JUDGE DOLAN: I understand that, but if
15 all she's asking about is whether this is a new pole
16 or not --

17 MS. SCARSELLA: But there is further
18 explanation about this calculation in the response.

19 MS. SATTER: I think that's what redirect is
20 for. I mean, I really am -- I'm trying to keep it
21 limited, because, you know, this is already an
22 involved case and so that's why I'm just focusing on

1 this one thing.

2 JUDGE DOLAN: If they can answer, then
3 great and then on redirect you can put the whole
4 exhibit in.

5 MS. SCARSELLA: Thank you, your Honor.

6 BY MS. SATTER:

7 Q Just for the record to be clear, do you
8 agree with me that the calculation in AG Cross
9 Exhibit 6 was meant to represent a typical newly
10 installed pole and that's how it's described?

11

12 WITNESS MEHRTENS: The only thing that I can
13 comment on is that this is a 40 foot pole -- is 40
14 feet above the ground, has a diameter of 7 foot,
15 diameter of 1.53 corresponding to the NEC standard
16 05.1 wood pole minimum circumference for a Class 2
17 yellow pine pole. How it relates to your question,
18 I'm not exactly sure.

19 Q So you don't know if this was produced as
20 an example of a typical newly installed pole?

21 WITNESS MEHRTENS: No.

22 Q Mr. Gannon, do you know?

1 WITNESS GANNON: No.

2 Q Were you involved in the preparation of
3 this document, that is AG Cross Exhibit 6?

4 WITNESS MEHRTENS: I didn't specifically put
5 this together.

6 Q Well, if you didn't, then I'll withdraw the
7 exhibit. Now --

8 MS. SCARSELLA: I'm sorry, I didn't hear what
9 you said.

10 MS. SATTER: I said I'll withdraw the exhibit
11 if they don't know. I thought as the engineers in
12 this case they would know and they also criticize Mr.
13 Owens in connection with Class 2, Class 4 poles. But
14 if they don't know, I'll withdraw the exhibit and
15 withdraw the question.

16 BY MS. SATTER:

17 Q Now, in discussing poles, do you agree that
18 all conductors must be taken into account when
19 computing proper loading for poles?

20 WITNESS GANNON: Yes.

21 Q When we say conductors, we mean electric
22 conductors and conductors for other services as well?

1 WITNESS MEHRTENS: Com Ed is specifically
2 responsible for the conductors they own and maintain.

3 Q Do they have to take into account that
4 there might be other conductors for other services on
5 the poles?

6 WITNESS MEHRTENS: There are other services
7 on the poles, either third party, the attachment
8 party has the responsibility to determine whether or
9 not their loadings are appropriate for the pole
10 itself.

11 Q So Com Ed does or does not consider or take
12 into account all the conductors that are on the pole?

13 WITNESS MEHRTENS: All that belong to Com Ed.

14 Q Does Com Ed account for anticipated
15 attachments to the poles?

16 WITNESS MEHRTENS: Other companies would have
17 to determine the pole loading with their conductors.

18 Q Does Com Ed have the authority to either
19 accept or reject the installation of third-party
20 conductors on your poles?

21 WITNESS MEHRTENS: Depends upon who the other
22 party is.

1 Q So in some cases you can reject it?

2 WITNESS MEHRTENS: We have agreements with

3 the telephone companies, we work together.

4 Q And the cable companies as well?

5 WITNESS MEHRTENS: Typically no.

6 Q Just the telephone company?

7 WITNESS MEHRTENS: Primarily.

8 Q So your agreements with the telephone

9 company are that they can string their conductors on

10 your poles? WITNESS MEHRTENS: They

11 would meet engineering standards and requirements.

12 Q So then you would expect that your poles

13 would be able to withstand the loading resulting from

14 those attachments?

15 WITNESS MEHRTENS: The poles should be able

16 to -- designed appropriately, the poles should be

17 able to withstand conductors that are on them.

18 Q Okay. Does your company monitor that?

19 Monitor whether the loading on your poles is

20 appropriate? WITNESS MEHRTENS: By

21 monitor you mean?

22 Q Do inspections, through maintenance.

1 WITNESS MEHRTENS: We typically inspect our
2 facilities.

3 Q So when you inspect your facilities, do you
4 take it into account the other facilities that are on
5 the poles?

6 WITNESS MEHRTENS: Loading calculations are
7 pretty complicated and you really have to know the
8 specifics behind the equipment that is on there.
9 That's why there is a requirement for us to make sure
10 that we meet all the appropriate standards. We know
11 all the equipment that's on there that belongs to us
12 and can accurately determine what the loading is.

13 Q But you don't know that information for
14 third party uses?

15 WITNESS MEHRTENS: That's exactly why there
16 is a responsibility on their part. They understand
17 the characteristics of their equipment and can best
18 determine whether or not the facilities will handle
19 their equipment.

20 Q So then your answer is that you do not
21 evaluate your poles taking into account the third
22 party uses, you rely on the third party to make that

1 evaluation; is that correct?

2 WITNESS GANNON: If we augment a pole and
3 there are other attachments on a pole, we perform the
4 same analysis of loading necessary for that pole with
5 the attachments.

6 Q So then you would include the third-party
7 attachments?

8 WITNESS GANNON: Yes.

9 Q So if you make any change to the pole then
10 you will look at the situation as it exists at the
11 time you make the change and accommodate all
12 attachments in your loading analysis?

13 WITNESS GANNON: Yes.

14 Q Now, you would agree with me that the
15 median age of the poles on Com Ed's system is about
16 43 years? Would you except subject to check? It's
17 in your 411 report.

18 WITNESS GANNON: Yes.

19 Q And isn't it also true that the standards
20 that Com Ed applies to its system may vary, based on
21 when the plant was put into service?

22 WITNESS MEHRTENS: It really isn't a

1 function. Being you're talking specifically about
2 poles, we have a company that inspects the poles and
3 determines what their structural integrity is. So
4 it's really based upon not age, but primarily a very
5 specific test performed by professionals.

6 Q I'm sorry, that wasn't responsive to the
7 question. I appreciate the information, but it wasn't
8 responsive to the question. My question is do the
9 standards that apply generally to Com Ed's plant
10 reflect the year that the plant was put into service,
11 generally? WITNESS MEHRTENS: Your question
12 went to age of pole, that's why I answered it that
13 way.

14 Q Okay.

15 WITNESS GANNON: Could you repeat it again,
16 please?

17 Q So let's go back. Is it true that the
18 standards that apply to Com Ed's plant vary I
19 depending on when the plant was placed in service?

20 WITNESS GANNON: When the plant was placed in
21 service, it would be built to the standards that were
22 appropriate for that time.

1 Q For that time, right. And if you have a
2 plant that was built in 1960, it complies with the
3 standards of 1960, correct?

4 WITNESS GANNON: At a minimum.

5 Q And you consider it compliant with
6 standards today, even though it's not compliant with
7 what the standards might be today, because it was
8 compliant when it was put into service, right?

9 WITNESS MEHRTENS: Pole equipment is built to
10 the standards that are in place during that time.

11 Q Right, okay. I don't think there is any
12 dispute about that, I mean you've testified to that.
13 So when your poles were installed with your
14 conductors on them, they were compliant with whatever
15 standards were in place when the poles were put into
16 place and erected and strung, correct?

17 WITNESS MEHRTENS: Correct.

18 Q And has Commonwealth Edison -- did
19 Commonwealth Edison anticipate third party uses, such
20 as cable TV and telephone, when its poles were put
21 into place in general?

22 WITNESS MEHRTENS: If third party were to

1 attach to a pole that was installed, I think your
2 example is in the '60s, they would have to insure
3 that it meets current standards today. So the plant
4 that's being installed determines the standards by
5 which they have to follow.

6 Q And you rely on them?

7 WITNESS MEHRTENS: Yes, for their facilities,
8 correct, to be able to withstand or to be able to
9 meet the standards of that pole, understanding the
10 other equipment that's on there.

11 Q Do you know what portion or percentage of
12 your poles carry cable TV and telephone conductors

13 WITNESS MEHRTENS: No.

14 WITNESS GANNON: No.

15 Q Would you agree with me that at least in
16 the urban areas, many of your poles carry
17 telecommunications and TV conductors?

18 WITNESS MEHRTENS: We've got a lot of poles
19 that carry, I wouldn't disagree.

20 Q And for those poles there would be cable TV
21 and telephone conductors from pole to pole as well as
22 from the pole to the customer; is that right?

1 WITNESS MEHRTENS: I'm not an expert in their
2 facilities.

3 Q So Commonwealth Edison doesn't really take
4 that into account; is that right?

5 WITNESS MEHRTENS: We assure that when we put
6 our facilities on a pole that all the facilities meet
7 the required standards.

8 Q At the time it was built?

9 WITNESS MEHRTENS: At the time it was built.

10 Q I'm sorry, I'm not sure if I asked you
11 this, but is it correct that you don't know what
12 percentage of your distribution poles have
13 third-party conductors?

 WITNESS MEHRTENS:
14 We do not know.

15 Q Now, on Page 18 of your surrebuttal, you
16 say pole design aims for a rigid structure that will
17 not move in the ground when an unbalanced horizontal
18 load is applied at the top. So you agree that some
19 poles on your system are not perfectly vertical; is
20 that right? Or perpendicular to the ground?

21 WITNESS MEHRTENS: Which page and which line,
22 I'm sorry?

1 Q You say that at 383. You say although not
2 perfectly attainable, pole designs aim for a rigid
3 structure.

4 WITNESS GANNON: And your question was?

5 Q Would you agree that some poles on your
6 system are not perfectly vertical?

7 WITNESS GANNON: Yes.

8 Q And do you know how many poles on your
9 system are leaning, that is not perfectly vertical?

10 WITNESS GANNON: No.

11 Q Do you know how many, if any, leaning poles
12 were identified in the last year's inspections that
13 you're aware of?

14 WITNESS GANNON: I'm not aware of the number.

15 Q We were talking about poles and conductors.
16 Are you familiar with the National Electric Safety
17 Code rule on structures -- keeping structures up to
18 date when there is new additions to the structures,
19 application to assisting structures, are you familiar
20 with any NESC National Electrical Safety Code rule on
21 that?

22 WITNESS MEHRTENS: In general.

1 Q Do you think it is correct that when a line
2 or facility is found to be noncompliant with the
3 code, the facility or line is to be corrected
4 according to rules that require defects discovered to
5 be recorded and scheduled for correction if they're
6 not immediately threatening to life and property?

7 WITNESS MEHRTENS: If you could direct us to
8 the exact location, I do not know all the NESC codes
9 by memory?

10 Q But does that sound like the way
11 Commonwealth Edison addresses --

12 WITNESS MEHRTENS: I would really like to see
13 the NESC code commenting on that.

14 Q I only have one copy, I'll put that aside
15 for now given the time. On Page 19 of your
16 testimony, you discuss push braces and other devices
17 that can be used when guys are difficult to install.
18 Do you see that at the top?

19 WITNESS MEHRTENS: Um-hmm.

20 Q Can push braces be used in the case of
21 leaning poles to prevent them from leaning?

22 WITNESS MEHRTENS: Push braces are not used

1 just for leaning poles because the leaning itself
2 does not necessitate a push pole. The structure that
3 you are talking about is after calculations are done
4 to determine that there is enough unbalanced load on
5 there, where we would exceed the breaking strength of
6 the pole, then some type of push pole or guy
7 mechanism will be used, but not just because a pole
8 may be leaning.

9 Q So the push brace is if a pole was at its
10 maximum loading and it is in danger of not being
11 strong enough? WITNESS MEHRTENS: If the
12 calculations say exceeding the breaking strength
13 without some sort of ancillary device, such as push
14 pole or a guy, then the guy is used. But again, they
15 are not used just because a pole may be leaning.

16 Q Could they be used, though, in a situation
17 where the pole is leaning?

18 MR. MEHRTENS: Well, the engineers really go
19 through calculations to determine when push poles or
20 guys need to be used. That's the determining factor.

21 Q Would a leaning pole provide the
22 opportunity for the engineers to conduct those

1 calculations to see whether that's an appropriate
2 response?

3 WITNESS MEHRTENS: The calculations should be
4 done either at the time of installation or when new
5 equipment is put on it to determine whether something
6 like a guy or a push pole is required.

7 Q Would a leaning pole be any indication to
8 the company that further attention is needed?

9 WITNESS MEHRTENS: Not necessarily.

10 Q So if you were to do inspections and see a
11 leaning pole, you wouldn't necessarily fix it?

12 WITNESS MEHRTENS: A leaning pole does not
13 necessitate additional work by itself.

14 Q Are guy wires used to bring a pole to
15 perpendicular?

16 WITNESS MEHRTENS: Again the calculations
17 that an engineer performs will determine whether guys
18 are needed or not.

19 Q Now, on Page 25 we talk about circuit
20 reclosers and you state that since 2007 --

21 WITNESS GANNON: Can we have a line number?

22 Q Page 24 and 25.

1 WITNESS GANNON: Thank you.

2 Q On Page 25, Line 523, since 2007 over 1400
3 reclosing devices have been installed on the 4 kV and
4 12 kV distribution system. And then you continue
5 with another 2500 planned during the EIMA build out,
6 is that your testimony?

7 WITNESS GANNON: Yes.

8 Q And you also state that with this next
9 phase of device installations, Com Ed will be
10 applying loop schemes. My question is, is a loop
11 scheme a redundancy in the system so that a portion
12 of a circuit can be switched to an alternative source
13 if there is damage on the line; is that correct?

14 WITNESS GANNON: It depends.

15 Q Why don't you describe then what a loop
16 scheme is.

17 WITNESS GANNON: A loop scheme is the use of
18 reclosers on the circuit, in one location, normally
19 closed on the circuit, another recloser at a tie
20 point. And depending on the location and the
21 duration of the failure that occurs on the line, it
22 will function.

1 Q So will the line continue to function
2 because it can obtain its power from a different
3 source?

4 WITNESS GANNON: Again, depending on the
5 location and the duration of the fault.

6 Q Assuming it's a fault that cuts power and
7 that there is a period of time needed for
8 restoration, say 24 hours, under a loop scheme, would
9 there be an alternative power source available --

10 WITNESS GANNON: Again, it depends on --

11 Q -- on I guess the downstream side of the
12 fault? WITNESS GANNON: Could you repeat the
13 question?

14 Q I'm just asking whether the loop scheme is
15 basically a redundancy effort and if it's not, it's
16 just a little unclear what makes it unique.

17 WITNESS GANNON: Under some circumstances and
18 locations of failures, it will provide an alternate
19 source to a portion or all of the circuit.

20 Q So loop schemes are not inconsistent with
21 the installation and use of reclosers; is that right?
22 In fact, reclosers are part of the loop scheme,

1 because it has to do with redirecting the power?

2 WITNESS GANNON: A loop scheme is a form of
3 the use of reclosers, automated reclosing devices on
4 the system.

5 Q So is the loop scheme a separate piece of
6 equipment or is it the design of the use of

7 reclosers? WITNESS GANNON: It's a systematic
8 design.

9 Q So it's how you design the use of the
10 reclosers? WITNESS GANNON: Correct.

11 Q So it's not inconsistent with the
12 installation and use of reclosers, it's just the way
13 they're designed, correct?

14 WITNESS GANNON: It is the way you use
15 reclosers on a targeted line or lines.

16 Q Now, would you expect that installing 2500
17 additional reclosers will reduce the number of
18 customers whose service is interrupted due to damage
19 to conductors, compared with the number of customers
20 interrupted with 1400 reclosing devices on the
21 system? In other words, 2500 additional
22 reclosers will provide more protection from damage

1 than 1400?

2 WITNESS MEHRTENS: The number of reclosers
3 doesn't always correlate with meaning more customers
4 can be restored.

5 Q Does it -- can it prevent something more
6 than a momentary outage?

7 WITNESS MEHRTENS: Reclosers are part of a
8 sectionalizing device. There are many different
9 types of reclosers or sectionalizing devices. So it
10 really depends upon the type of sectionalizing device
11 you put up and how it's utilized to determine how
12 many customers can ultimately be restored and
13 ultimately how they react to certain anomalies on the
14 system.

15 Q How the reclosers react?

16 WITNESS MEHRTENS: Right.

17 Q Why don't you just describe for us what a
18 recloser is? Sometimes we need to get to the basic
19 definition first.

20 WITNESS MEHRTENS: Again, there are a lot of
21 different types of reclosers. There is an oil
22 recloser. There is automated reclosers. That is

1 nonautomated

2 reclosers. There are reclosers that have
3 communications.

4 Q That would be the SCADA, SCADA operated
5 reclosers?

6 WITNESS MEHRTENS: If you are referring to
7 SCADA in here, our SCADA reclosers have
8 communications.

9 Q When you talk about distribution
10 automation, would that include any of these
11 functions?

12 WITNESS MEHRTENS: I'm sorry, which
13 functions?

14 Q An oil recloser, an automated recloser, a
15 nonautomated recloser or a SCADA operated recloser?

16 WITNESS MEHRTENS: Typically would not
17 include an oil recloser.

18 Q Is that an older technology?

19 WITNESS MEHRTENS: Yes.

20 Q When was that available? When did that
21 become available?

22 WITNESS MEHRTENS: I do not know the date.

1 Q Would it be in the '90s or the '80s?

2 WITNESS MEHRTENS: Well before that.

3 Q Oh, really, '60s, back then?

4 WITNESS MEHRTENS: Before the '90s.

5 Q And so you have these different types of

6 recloser, and their function, what is their function?

7 What is the purpose of a recloser? Why do you put it

8 on the circuit?

9 WITNESS GANNON: It functions similar to what

10 we described with the fuse. However, it will reclose

11 and for instances where you have transient

12 conditions, it will close and hold.

13 Q So is it correct to say that a recloser can

14 prevent a longer duration outage if the contact on

15 the conductor is transient?

16 WITNESS MEHRTENS: It could.

17 WITNESS GANNON: Yes.

18 WITNESS MEHRTENS: It could, sure.

19 Q Do you currently have loop schemes in

20 place? WITNESS GANNON: Yes.

21 Q So the recloser that you have in your

22 system now are part of the loop scheme design?

1 WITNESS GANNON: There are some, the programs
2 that we have, there is an assessment and analysis
3 done by engineers to set up distribution automation
4 schemes.

5 Q So some of the recloser are part of the
6 loop scheme design and some might not be; is that
7 fair? WITNESS GANNON: That's fair.

8 Q We do have a data request with the numbers
9 of reclosers. I don't have questions other than the
10 numbers are there, so maybe we can do that separately
11 so we save time.

12 Now, also on Page 25 of your
13 testimony, you say in the bottom half of that page,
14 you say distribution automation would isolate faulted
15 circuit sections to reduce the number of customers
16 affected by the specific outage event by 50 percent.
17 That's at Line 539.

18 WITNESS GANNON: I see that.

19 Q So it's Com Ed's position that the
20 distribution automation can reduce the number of
21 customers affected by an outage by 50 percent if that
22 one outage has to do with a particular circuit?

1 Right? If it's a circuit related outage and you put
2 a recloser on, then 50 percent of the people will be
3 protected?

4 WITNESS GANNON: It depends.

5 Q Does it depend where the recloser is put or
6 does it depend on how the customers are distributed
7 over the line? Both of those things?

8 WITNESS GANNON: In addition to others.

9 Q Now, if there is an outage that is not
10 related to a fault in a circuit, then distribution
11 automation -- strike that.

12 If there is an outage that is not
13 related to a fault in the circuit, then the recloser
14 would not affect the number of people out, is that
15 your position?

WITNESS GANNON: I'm sorry,
16 could you repeat the question for me, please?

17 Q If there are outages that do not involve a
18 fault in a circuit section, then putting a recloser
19 on a circuit is irrelevant and will not affect the
20 number of customers out, right?

21 WITNESS GANNON: And I apologize, I know it's
22 getting late, but I'm going to have to ask you to

1 repeat that.

2 Q Let's step back then. You criticize Mr.
3 Owens for saying that 50 percent -- that if recloser
4 were in place to the extent that he recommends, there
5 would be 50 percent fewer customers out of service.
6 And if I understand your criticism, it is that 50
7 percent reduction should only apply to outages that
8 are related to faults on the circuit, on a conductor?
9 Is that what you meant?

10 WITNESS MEHRTENS: I think the point is that
11 if I understood Mr. Owens' testimony correctly, he
12 basically said to put reclosers on a number of lines.
13 What we're saying is that it takes engineering
14 analysis to determine what type of sectionalizing
15 device is best suited to improve overall reliability.
16 It could be a sectionalizer, it could be a recloser,
17 it could be a multitude of different things, that
18 that's really what we were saying.

19 It's not a one size fits all and
20 it's not an indiscriminate place reclosers every
21 place. It's let's use engineering judgment and
22 prudence to determine what is the right tool to use

1 to improve reliability.

2 Q So Com Ed is planning to put another 2500
3 recloser on the system, though, under its
4 infrastructure investment plan?

5 WITNESS MEHRTENS: EIMA. We have a long way,
6 there is much engineering analysis.

7 Q Did you understand Mr. Owens to say there
8 would be no engineering analysis in installing?

9 WITNESS MEHRTENS: I didn't see it.

10 Q You expected him to present the engineering
11 analysis in his testimony?

12 WITNESS MEHRTENS: No, I guess, along with
13 putting recloser in would be what type of approach,
14 what type of analysis would be done in order to
15 determine whether they should go. And not just
16 recloser, like I say there were many other things
17 that we could use.

18 Q So, for example, if there were
19 interruptions as a result of lightening, then you
20 would look at lightening arrestor or a lightening
21 system?

22 WITNESS MEHRTENS: That's basically what the

1 engineers do.

2 Q Or if there were problems with
3 transformers, you would use an engineer to look at
4 the transformer situation to see if there were some
5 problems there that need be to corrected?

6 WITNESS MEHRTENS: It's all about analysis
7 and understanding to determine what the root cause is
8 to determine the right solution.

9 Q So in any particular stretch of plant you
10 would look at various factors and one of the factors
11 would be the installation of sectionalizing
12 equipment, right?

WITNESS MEHRTENS:
13 That's certainly one the tools that the engineers use
14 to improve reliability, absolutely.

15 Q And if sectionalizing equipment is put on a
16 line, then it would reduce the number of customers
17 affected relative to those downstream or upstream?

18 WITNESS MEHRTENS: If that was the right
19 solution to the issue, it could do that.

20 WITNESS GANNON: Depending on the location of
21 where the problem occurs and duration of the problem.

22 Q If the problem is design of the system and

1 it's not addressing any particular problem, though,
2 wouldn't you still consider the use of the
3 sectionalizing equipment to anticipate problems and
4 prevent problems in the future?

5 WITNESS GANNON: Actually the engineering
6 analysis that's done, ask to look at some circuits
7 and in the event of now one or several engineering
8 targets on that, there are times when we will install
9 sectionalizing devices in scheme.

10 Q I mean, do you, leading up to the
11 installation of the 1400 that you testified to in
12 your testimony, were those installed in response to
13 problem areas in an effort to minimize problems or
14 were they done under some other circumstances?

15 WITNESS MEHRTENS: The engineers use a number
16 of different criteria to determine where,
17 specifically, reclosers should be placed.

18

19

20 (Change of reporter?)

21

22

1 BY MS. SATTER:

2 Q But do you know if the Company directs them
3 to problem areas to begin with?

4 WITNESS MEHRTENS: The engineers are the ones
5 that determine what the criterion is and then install
6 to that criterion.

7 Q And you're the engineers; right?

8 WITNESS MEHRTENS: Yeah.

9 Q You're the engineers, okay.

10 And do you focus on problem areas or
11 do you focus -- where do you -- where does the
12 Company direct it's planning in the short term?

13 WITNESS MEHRTENS: There's a number of
14 different things that are looked at; some of which
15 are reliability concerns that happened in the past,
16 some is the number of customers that could
17 potentially be impacted, a couple other things that
18 the engineers look at.

19 Q On Page 26 you discuss the cost of some of
20 the items that Mr. Owens mentioned in his testimony
21 and you say -- you discuss reasons why the
22 installation of each SCADA control disconnect switch

1 would cost about \$75,000. That's on Line 58 -- 70 to
2 \$75,000. Can an individual installation design be
3 performed for a standard construction drawing that
4 could be applied to other installation sites to
5 reduce the overall cost?

6 WITNESS GANNON: Could you repeat that, please.

7 Q Can a standard design be developed that can
8 be applied to other installations to reduce this
9 \$75,000 per device cost?

10 WITNESS MEHRTENS: You mean reduce it to the
11 \$18,000 that Mr. Owns references?

12 Q We could start there.

13 WITNESS MEHRTENS: There are many different
14 devices that are available. The ones that ComEd
15 chose to use in this particular case are best suited
16 to the infrastructure we have.

17 Q Okay. But my question is, do you do a
18 standard engineering --

19 WITNESS MEHRTENS: I don't know what type of
20 devices he's referring to here, so I don't know
21 whether it would be beneficial or not.

22 Q Okay. Well, for the devices that ComEd

1 uses -- let's just use the devices that you use that
2 you're familiar with.

3 WITNESS MEHRTENS: Okay.

4 Q Then is it \$75,000 per device to put in
5 this equipment that would provide the sectionalizing
6 function that you're discussing here?

7 WITNESS MEHRTENS: Yes.

8 WITNESS GANNON: Yes.

9 Q And can you -- is there any economies of
10 scale that you realize, because you're such a big
11 company, where you can reduce the cost per device for
12 these kinds of planning functions?

13 WITNESS MEHRTENS: You get to the cost of the
14 material, economies of scale, you know, we would have
15 a supply or a purchasing department that would handle
16 the negotiations for the actual cost of the device
17 itself.

18 Q In -- on Page 24, Note 8 you refer to a --
19 you have a URL down here, it looks like this is the
20 Infrastructure Investment Plan that Commonwealth
21 Edison submitted to the Commission.

22 WITNESS MEHRTENS: I'm sorry, I didn't catch

1 the page.

2 Q It's Page 24, Footnote 8 and that has costs
3 in the plan, doesn't it? That has investment amounts
4 for these various functions, doesn't it?

5 WITNESS GANNON: Yes.

6 Q And it includes an investment amount that's
7 anticipated for sectionalizing reclosers; is that
8 right?

9 WITNESS GANNON: I don't have a copy of that
10 document. Do you have it?

11 Q Were you involved in preparing it?

12 WITNESS GANNON: I would like to see a copy of
13 the document and I can answer that question.

14 Q I'm sorry, I didn't bring it, but you
15 reference it here because this is where the
16 description of what ComEd's plan is; isn't that
17 right?

18 WITNESS GANNON: Yes.

19 Q And that's where the costs could be found
20 as of today any way; is that right?

21 WITNESS GANNON: Again, I would have to look at
22 that document to answer that question with a yes.

1 Q Now, on Page 27, you refer to an
2 inadvertent error on Page -- on Line 570. This is in
3 relation to how a disconnected device was used,
4 whether it's used from an aerial bucket or from the
5 ground or a pole and so my question is, which method
6 of what they call load buster application is called
7 for in ComEd's official switching procedures?

8 Do ComEd's procedures call for
9 switching from the ground or from a pole?

10 WITNESS MEHRTENS: From either a bucket or the
11 pole.

12 Q And at Page 28, we talk about the cost to
13 underground to overhead line and you say it equates
14 to 660,000 per thousand feet. My question to you is,
15 is this for undergrounding of three main -- of --
16 excuse me, for undergrounding a three phase primary
17 circuit in an urban area, the cost? Is the cost for
18 undergrounding a three phase primary circuit --

19 MS. SCARSELLA: I'm sorry, Susan, you said
20 600,000 per feet. There's no.

21 MS. SATTER: I'm sorry. It's \$3.48 million
22 dollar per mile. I'm sorry. I did the calculation

1 and it wasn't there. That's my -- I'm sorry.

2 So my question is, is this amount
3 which is \$3,484,800 per mile for a three phase
4 primary circuit in an urban area?

5 WITNESS GANNON: No.

6 Q Do you know what area it's for?

7 WITNESS GANNON: I don't have the specifics,
8 but I believe it's a make up of direct buried
9 undergrounding as well as what you described as
10 conventional underground in an urban area.

11 Q Do you know what the cost would be for
12 undergrounding a single phase primary line along the
13 back property line of a residential subdivision?

14 WITNESS GANNON: Not here.

15 Q Do you know what that specific cost would
16 be?

17 WITNESS GANNON: No.

18 Q Okay. Now, as the manager of reliability
19 for Commonwealth Edison, Mr. Gannon, as -- in that
20 role, have you reviewed the reports prepared by the
21 Staff of the Commerce Commission in reviewing
22 Commonwealth Edison's reliability reports?

1 WITNESS GANNON: Could you be more specific?

2 Which reports?

3 Q Have you reviewed the Staff assessments of
4 Commonwealth Edison Company's Reliability Report and
5 Reliability Performance?

6 WITNESS GANNON: Again, I have to ask you to be
7 more specific. Can you give me a document number, a
8 copy of a --

9 Q Sure. So what I've handed you is a copy of
10 a report dated June 4th, 2010 that was submitted to
11 the Commerce Commission with various attachments in
12 Docket -- I believe it's 10-0395 or 94.

13 MS. SCARSELLA: I'm so sorry, Sue, are these
14 the same documents that are subject to the objection?

15 MS. SATTER: These are the document that we had
16 asked to take administrative notice of.

17 JUDGE DOLAN: I have them.

18 BY MS. SATTER:

19 Q And I'm asking the witness if he reviewed
20 them in his position as director of, I believe, it's
21 reliability -- reliability programs?

22 WITNESS GANNON: Given the timing, I don't

1 recall.

2 Q Have you looked at any of the ICC Staff
3 reports to the Commission under Section 16-125
4 concerning Commonwealth Edison?

5 WITNESS GANNON: I believe I have.

6 Q Do you recall looking at any photographs
7 taken by Staff personnel of the Commonwealth Edison
8 system?

9 MS. SCARSELLA: I'm going to object as to
10 relevance.

11 MS. SATTER: This goes to his understanding of
12 the condition of the system. It's reliability. It's
13 purely within. It appears to be squarely within his
14 responsibilities of manager of reliability programs
15 and it has to do with inspections and replacement of
16 plant that requires remediation.

17 MR. RIPPPIE: This is the same problem that we
18 had yesterday when I was arguing this analogous
19 objection. She didn't ask whether he looked at this
20 in preparation for his testimony or in preparation
21 for any issue in this docket.

22 MS. SATTER: That's correct, I did not. I'm

1 asking --

2 MR. RIPPIE: This is his -- what he does in
3 connection with his duties that have nothing to do
4 with this docket or the damage that these storms
5 caused or any of the interruptions that resulted from
6 the damage that these storms caused. I mean, I
7 suppose it's fine foundational background testimony,
8 but it doesn't make any of it relevant.

9 MS. SATTER: First of all, I haven't moved to
10 admit anything. I'm asking him if these are things
11 that he's looked at in his role. I mean, I really
12 haven't asked him other questions whether he's looked
13 at reliability reports from the ICC --

14 MR. RIPPIE: Which is --

15 MS. SATTER: If you think that's -- if I can't
16 ask that, then that seems that that goes -- that's a
17 fundamental foundation question having to do with his
18 expertise.

19 MR. RIPPIE: And you're right, but we also know
20 that it's very easy to get way down a path and then a
21 question gets asked and the understanding is that
22 we're now too far down that path and the door has

1 been opened, so you're right, that may be a proper
2 foundational question, I don't know and maybe
3 Miss Scarsella doesn't know but --

4 MS. SATTER: So it's an anticipatory objection?

5 MR. RIPPIE: Well it's a -- I guess, call it
6 what you will. It's making a record.

7 JUDGE DOLAN: And you're also not specifying
8 what picture you are talking about.

9 MS. SATTER: I was responding to Counsel. I
10 asked the witness if he had looked, you know, at any
11 documents. I can specify, but I'm giving him an
12 opportunity to explain what his --

13 JUDGE DOLAN: But it doesn't relate to --

14 MS. SATTER: -- background is.

15 JUDGE DOLAN: -- this docket.

16 MS. SATTER: Yes, it is. It is absolutely
17 related.

18 JUDGE DOLAN: In 2011, not 2008.

19 MS. SATTER: He started --

20 JUDGE DOLAN: We've gone over this already.
21 Miss Satter, I've given you a lot of leeway here.
22 You were supposed to take an hour. We're now 2 hours

1 and 45 minutes into your cross-examination.

2 MS. SATTER: You know, this is an unusual case
3 and I think there are a lot of things to be learned
4 here.

5 JUDGE DOLAN: And I understand that but when
6 you say an hour and you are 2 and a half -- 2 hours
7 and 45 minutes into it, there's a problem.

8 MS. SATTER: This question is very simple.
9 I'm simply asking him whether he has looked at what
10 the ICC assessments have been, that's the only
11 question and now we've spent 15 minutes on a simple
12 question, but that's my question. That's my question
13 and I think I'm entitled to my answer.

14 JUDGE DOLAN: He answered that about -- he
15 looked at the report.

16 BY MS. SATTER:

17 Q The answer is you have looked at the
18 report?

19 WITNESS GANNON: No. I believe your question
20 was whether or not I've looked at any photos.

21 Q That was the last question, yes.

22 And any photos attached to any Staff

1 report?

2 WITNESS GANNON: Ever?

3 Q Since you became manager of reliability
4 programs for ComEd or director of capacity planning
5 and reliability programs for ComEd in August 2010.

6 WITNESS GANNON: Yes.

7 Q And did you look at reports submitted to
8 the Commission in December of 2010?

9 MR. RIPPPIE: Okay. We're now to the point
10 where this isn't even foundation. If the question
11 was, did you look at it in respect to any issue
12 related to this docket it, might be foundation. This
13 is --

14 BY MS. SATTER:

15 Q Did you look at these reports in relation
16 to anything in relation to this docket?

17 WITNESS GANNON: Not that I recall.

18 MS. SATTER: Okay. I have no further
19 questions.

20 JUDGE DOLAN: You want a minute?

21 MS. SCARSELLA: Your Honor, could we have a few
22 minutes, please.

1 MS. SATTER: Well, we had talked about some
2 scheduling previously.

3 MR. RIPPIE: That gets everybody out of here a
4 little earlier. It also probably means the redirect
5 goes faster.

6 JUDGE DOLAN: What are you talking about?

7 MR. RIPPIE: Start -- put these guys on for
8 redirect at 9:01 a.m.

9 JUDGE DOLAN: That's fine with me.

10 MS. SATTER: That's what we had talked about.

11 JUDGE DOLAN: Okay. All right. Then, with
12 that, we'll be entered and continued to tomorrow
13 morning at 9:00 a.m.

14 (Whereupon, an evening
15 recess was taken to resume
16 at 9:00 a.m. on July 12, 2012

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